

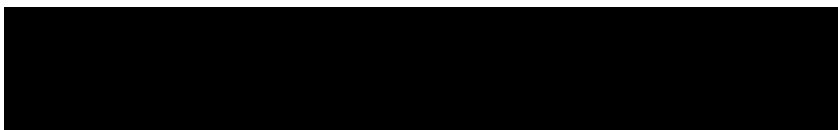
## **Exhibit 6**



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# Transcript of



**Date:** August 28, 2024

**Case:** Phillips, et al. -v- Rector and Visitors of the University of Virginia, et al.

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Transcript of [REDACTED]  
Conducted on August 28, 2024

1 (1 to 4)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22
UNITED STATES DISTRICT COURT WESTERN DISTRICT OF VIRGINIA Charlottesville Division Case No. 3:22cv0075-RSB-JCH Dwayne PHILLIPS, et al., ) Plaintiffs, ) v. ) RECTOR AND VISITORS OF THE ) UNIVERSITY OF VIRGINIA, et al., ) Defendants. ) AUDIO TRANSCRIPTION OF RECORDED DEPOSITION TESTIMONY OF [REDACTED] August 28, 2024, 9:36 a.m. Job No. 551153 Pages: 1-217 Transcribed by: Cynthia Bauerle, CSR Notary Public/Court Reporter: Danny Terry	APPEARANCES: ON BEHALF OF THE PLAINTIFF: SAMUEL W. DIEHL, ESQUIRE Crosscastle PLLC 14525 Highway 7 Suite 345 Minnetonka, MN 55345 Phone: 612-429-8100 Fax: 612-234-4766 Sam.diehl@crosscastle.com ON BEHALF OF THE DEFENDANT: The Rector and Visitors of the University of Virginia WENDY C. MCGRAW, ESQUIRE Hunton Andrews Kurth LLP Riverfront Plaza, East Tower 951 East Byrd Street Richmond, VA 23219 Phone: 804-788-7221 Fax: 804-788-8218 Wmcgraw@HuntonAK.com ON BEHALF OF THE DOE DEFENDANT 1 MATTHEW B. KIRSNER, ESQUIRE Williams Mullen 200 South 10th Street Suite 1600 Richmond, VA 23219 Phone: 804-420-6074 Fax: 804-420-6507 Mkirsner@williamsmullen.com	INDEX WITNESS PAGE [REDACTED] EXAMINATION ON BEHALF OF PLAINTIFF By Mr. Diehl 7 EXAMINATION ON BEHALF OF DEFENDANT By Ms. McGraw 211 EXHIBITS EXHIBIT DESCRIPTION PAGE (Previously Marked) 1 Exhibit A-Print-out of PowerPoint-UVA Vaccine Religious Accommodation Requests 32 2 Defendant UVA's Objections and Answers to Plaintiffs' First Set of Interrogatories 32 3 LinkedIn Profile of [REDACTED] 4 Print-out of web page-UVA HR Business Partners 5 University of Virginia Health System-Diagram for Department Structure	

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2 (5 to 8)

<p>5</p> <p>1 EXHIBIT DESCRIPTION PAGE</p> <p>2 (Previously Marked)</p> <p>3 [REDACTED] 6 (Highly Confidential)</p> <p>4 UVA_0002368-Print-out of Information</p> <p>5 from the Vax Trax system 50</p> <p>6 [REDACTED] 7 (Highly Confidential)</p> <p>7 UVA_0002235-Print-out of Information</p> <p>8 from the Vax Trax system</p> <p>9 [REDACTED] 8 Declaration of Karmen Fittes</p> <p>10 [REDACTED] 9 Exhibit B-UVA Health Required</p> <p>11 COVID-19 Vaccination for Team</p> <p>12 Members-dated 8.25.2021</p> <p>13 [REDACTED] 10 (Highly Confidential)</p> <p>14 UVA_0002421-Print-out of Information</p> <p>15 from the Vax Trax system</p> <p>16 [REDACTED] 11 Email-RE-Vax Trax Request</p> <p>17 [REDACTED] 12 (Highly Confidential)-Print-out of</p> <p>18 Information from the Vax Trax system</p> <p>19 [REDACTED] 13 UVA_0006795-Email-dated</p> <p>20 10.23.2020-Vax Trax request-religious</p> <p>21 Exemption request</p> <p>22</p>	<p>7</p> <p>1 THE REPORTER: [REDACTED]</p> <p>2 please raise your right hand.</p> <p>3 Do you solemnly swear or affirm under</p> <p>4 the penalty of perjury that the testimony you</p> <p>5 shall give will be the truth, the whole truth,</p> <p>6 and nothing but the truth?</p> <p>7 [REDACTED],</p> <p>8 after having been first duly sworn, was</p> <p>9 examined and testified as follows:</p> <p>10 THE WITNESS: I do.</p> <p>11 EXAMINATION</p> <p>12 BY MR. DIEHL:</p> <p>13 Q. Good morning, [REDACTED]. I</p> <p>14 introduced myself before we got started, but</p> <p>15 I'll do it again on the record. My name is</p> <p>16 Sam Diehl. I'm one of the attorneys</p> <p>17 representing the plaintiffs in a lawsuit</p> <p>18 against the University of Virginia. And have</p> <p>19 you ever had your deposition taken before?</p> <p>20 A. No.</p> <p>21 Q. Well, I'll provide some intro --</p> <p>22 introduction about depositions. In some ways,</p>
<p>6</p> <p>1 [REDACTED] 14 (Highly Confidential)</p> <p>2 UVA_0002396-Print-out of Information</p> <p>3 from the Vax Trax system</p> <p>4 [REDACTED] 15 (Highly Confidential)</p> <p>5 UVA_0002672-Print-out of Information</p> <p>6 from the Vax Trax system</p> <p>7 [REDACTED] 16 (Highly Confidential)-Preliminary</p> <p>8 Analysis-Produced Subject to</p> <p>9 Objections and Response to</p> <p>10 Plaintiffs' First Set of</p> <p>11 Interrogatories</p> <p>12 [REDACTED] 17 (Highly Confidential)</p> <p>13 UVA_0003035-Print-out of Information</p> <p>14 from the Vax Trax system 67</p> <p>15 [REDACTED] 18 (Highly Confidential) Email sent</p> <p>16 on 9.3.2021-from Qualtrics Religious</p> <p>17 Exemption to UVA HR Health Screenings</p> <p>18 Pre-Hire Religious Request 125</p> <p>19 [REDACTED] 19 UVA Office for Equal Opportunity</p> <p>20 and Civil Rights-Religious Workplace</p> <p>21 Accommodation Request Procedures 198</p> <p>22</p>	<p>8</p> <p>1 it's just a conversation, you know, where I</p> <p>2 ask questions, you answer, but it's a little</p> <p>3 different. It's a little more formal,</p> <p>4 obviously, and -- and then we have a court</p> <p>5 reporter of sorts taking down what is said</p> <p>6 today. And so there's just a few things that</p> <p>7 are helpful and I'll just cover those now, but</p> <p>8 before I do, we -- we have a different court</p> <p>9 reporter here than -- than I'm used to and --</p> <p>10 but I believe, Counsel, we've spoken off the</p> <p>11 record about that and -- and neither party</p> <p>12 objects to the court reporter that is here</p> <p>13 today and the means of -- of stenography</p> <p>14 that's occurring.</p> <p>15 MS. McGRAW: That's correct.</p> <p>16 For purposes of this deposition, we do not</p> <p>17 object to the digital court reporter. We do</p> <p>18 reserve all objections to the informal video.</p> <p>19 MR. KIRSNER: I concur with</p> <p>20 Wendy on behalf of [REDACTED].</p> <p>21 MR. DIEHL: Thank you.</p> <p>22 MS. McGRAW: And Sam, also just</p>



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3 (9 to 12)

<p>9</p> <p>1 while we're going over these housekeeping 2 matters, I think we agreed in the prior 3 deposition that if I make an objection, it's 4 not necessarily -- necessary for Mr. Kirsner 5 to join in and vice versa. That the 6 objections will be for both. For both for [REDACTED] 7 [REDACTED] in [REDACTED] individual capacity and for 8 UBA, regardless of which counsel makes the 9 objection. 10 MR. DIEHL: That is correct. 11 And we appreciate that. 12 BY MR. DIEHL: 13 Q. So obviously there's some things 14 we need to say for the record today and -- and 15 one thing that's helpful in that is if we try 16 not to speak over each other. So when I ask a 17 question, will you try to wait till I finish 18 my answer, my -- I'll see that then I object 19 to my introductory remarks. When I ask a 20 question, will you wait till I finish the 21 question before you start your answer? 22 A. Yes.</p>	<p>11</p> <p>1 A. Yes. 2 Q. And, again, you're doing a good 3 job. If -- if I remind you of that during the 4 day, just understand that I'm not -- it's -- 5 it's not personal and I'm -- I'm a normal 6 person and would normally be just fine with 7 someone saying, uh-huh, you know, to a simple 8 question, but -- but if I remind you, it's 9 just -- it's just to remind you for the record 10 and this formality that we have here. If -- 11 if you don't understand a question, will you 12 let me know? 13 A. Yes. 14 Q. And if you answer a question, is 15 it fair to assume you understood the question? 16 A. Yes. 17 Q. How long -- what -- what is your 18 -- can you. Let's just start back. Can you 19 say and spell your name for the record? 20 A. [REDACTED] 21 [REDACTED] 22 Q. And I understand you work for</p>
<p>10</p> <p>1 Q. And I'll do the same for you to 2 the extent possible, but if -- if I speak over 3 you or you have more to say in a particular 4 answer, will you let me know? 5 A. Yes. 6 Q. And is there any reason you will 7 have -- have any physical or mental issue with 8 your memory today? 9 A. No. 10 Q. Is there any other reason why 11 you might not be able to testify truthfully 12 about matters that might be relevant to this 13 lawsuit? 14 A. No. 15 Q. And you're doing a great job so 16 far, but one of the things that's helpful for 17 the record is because we're going to have a 18 written transcript, if the -- if it's a yes or 19 no question, to speak audibly and say yes or 20 no rather than uh-ugh or uh-huh, just because 21 it doesn't come across clearly. Does that 22 make sense?</p>	<p>12</p> <p>1 the University of Virginia? 2 A. I do, yes. 3 Q. And what is your position? 4 A. Senior Human Resources Business 5 Partner. 6 Q. And how long have you held that 7 position? 8 A. For three-and-a-half years. 9 Q. And what did you do before you 10 held the senior HR business position for UVA? 11 A. Manager of employee relations. 12 Q. At -- at UVA? 13 A. At UVA. 14 Q. And then when did you start that 15 job? 16 A. June of 2019. 17 Q. And what did you do before for 18 work before that? 19 A. Human resources consultant for 20 the University of Missouri. 21 Q. As a consultant, were you an 22 employee or -- or --</p>

Transcript of [REDACTED]  
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4 (13 to 16)

<p>13</p> <p>1     <b>A. Yeah.</b></p> <p>2     Q. -- some other type of worker?</p> <p>3     Sorry.</p> <p>4     <b>A. Yes. A university employee as a</b></p> <p>5 <b>Senior Human Resources Consultant for the</b></p> <p>6 <b>School of Medicine. So, yes, an employee.</b></p> <p>7 <b>Not an independent contractor.</b></p> <p>8     Q. So the -- the idea is that you</p> <p>9     consult the managers at the -- at the</p> <p>10    university hospital. Is that the -- that's</p> <p>11    the consulting part. Not as an independent</p> <p>12    consultant obviously?</p> <p>13    <b>A. Correct.</b></p> <p>14    Q. And how long did you work in</p> <p>15    that position?</p> <p>16    <b>A. For three years.</b></p> <p>17    Q. What did you do before that?</p> <p>18    <b>A. Prior to that, I was at the</b></p> <p>19 <b>University of Rochester.</b></p> <p>20    Q. That's Rochester, New York?</p> <p>21    <b>A. Rochester, New York, yes.</b></p> <p>22    Q. I don't think there's a</p>	<p>15</p> <p>1    go or where did you obtain that degree?</p> <p>2     <b>A. Washington Adventist University.</b></p> <p>3     Q. Is that Seventh-day Adventist as</p> <p>4     in Adventist?</p> <p>5     <b>A. Yes.</b></p> <p>6     Q. Are you personally a Seventh-day</p> <p>7     Adventist?</p> <p>8     <b>A. Yes.</b></p> <p>9     Q. Do you -- do you attend a</p> <p>10    Seventh-day Adventist church?</p> <p>11    <b>A. Yes.</b></p> <p>12    Q. What is -- what church is that?</p> <p>13    <b>A. [REDACTED]</b></p> <p>14    [REDACTED]</p> <p>15    Q. Are you married?</p> <p>16    <b>A. Yes.</b></p> <p>17    Q. What -- what's the name? What</p> <p>18    is your [REDACTED] name?</p> <p>19    <b>A. [REDACTED]</b></p> <p>20    Q. What does your husband do?</p> <p>21    <b>A. [REDACTED] for UVA.</b></p> <p>22    Q. What -- what does that -- do you</p>
<p>14</p> <p>1    University of Rochester, Minnesota, but there</p> <p>2    is, I guess, Mayo has the university. And</p> <p>3    what did you do at the University of</p> <p>4    Rochester?</p> <p>5     <b>A. Human Resources Business</b></p> <p>6 <b>Partner.</b></p> <p>7     Q. And how long -- what time period</p> <p>8     did you work for the University of Rochester?</p> <p>9     <b>A. So 20 -- June 2016 through June</b></p> <p>10 <b>2019.</b></p> <p>11    Q. Do you have a degree in human</p> <p>12    resources?</p> <p>13    <b>A. I have a degree in</b></p> <p>14 <b>organizational development.</b></p> <p>15    Q. And -- and when did you receive</p> <p>16    that degree?</p> <p>17    <b>A. I received my master's degree in</b></p> <p>18 <b>2013 from University of Rochester.</b></p> <p>19    Q. And then what was your</p> <p>20    undergraduate degree?</p> <p>21    <b>A. Organizational management.</b></p> <p>22    Q. And where did -- where did you</p>	<p>16</p> <p>1    know what that job entails?</p> <p>2     MS. McGRAW: Object to the form.</p> <p>3     You can answer.</p> <p>4     THE WITNESS: To ensure -- well,</p> <p>5     to ensure diversity, equity and inclusion</p> <p>6     within UVA in regards to hiring, in regards to</p> <p>7     student success.</p> <p>8     BY MR. DIEHL:</p> <p>9     Q. Do -- do you personally have any</p> <p>10    duties related to diversity, equity and</p> <p>11    inclusion?</p> <p>12    <b>A. So define duties.</b></p> <p>13    Q. Job duties?</p> <p>14    <b>A. Yes.</b></p> <p>15    Q. What are those or how would</p> <p>16    that -- I guess, what would the duties be?</p> <p>17    <b>A. Serve on a diversity, equity and</b></p> <p>18 <b>inclusion committee for human resources.</b></p> <p>19    Q. And who -- well, I guess, not</p> <p>20    the names, but what -- what people are the --</p> <p>21    are HR people on that committee?</p> <p>22    <b>A. Yes. It's an HR focus</b></p>

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5 (17 to 20)

<p>17</p> <p>1 committee.</p> <p>2 Q. Is it HR business partners or</p> <p>3 any different roles?</p> <p>4 A. A variety of roles.</p> <p>5 Q. what -- what does that committee</p> <p>6 do?</p> <p>7 A. Provides trainings, monthly</p> <p>8 trainings, education, awareness of diversity,</p> <p>9 equity and inclusion matters.</p> <p>10 Q. What have you provided or do</p> <p>11 members of the committee provide training</p> <p>12 through that, or is it outside?</p> <p>13 A. It's through organizational</p> <p>14 development within UVA or it could be various</p> <p>15 speakers within UVA. So in terms of</p> <p>16 trainings, UVA provides LinkedIn training. So</p> <p>17 it could be training on LinkedIn. However,</p> <p>18 these are not mandatory trainings.</p> <p>19 Q. So are they trainings for human</p> <p>20 resources personnel or are they for everyone?</p> <p>21 A. For everyone.</p> <p>22 Q. What -- I'm -- I'm going to come</p>	<p>19</p> <p>1 any HR related matters in general would come</p> <p>2 to a HR business partner.</p> <p>3 Q. And who do you report to?</p> <p>4 A. I report to Jenny Babcock.</p> <p>5 Q. What -- what is Ms. Babcock's --</p> <p>6 Ms. Babcock's title?</p> <p>7 A. HR Director.</p> <p>8 Q. And then who does Ms. Babcock --</p> <p>9 Babcock report to?</p> <p>10 A. Katy Hoffman.</p> <p>11 Q. Are those duties same -- your --</p> <p>12 your -- your current duties, are those the</p> <p>13 same general duties that you had in 2020 and</p> <p>14 2021?</p> <p>15 A. So and -- so I started at --</p> <p>16 so --</p> <p>17 Q. Oh, yeah. Okay. So I should</p> <p>18 clarify. So you started as -- what -- what</p> <p>19 did you do as an -- I'm going to jump back.</p> <p>20 You started as an manager of employee</p> <p>21 relations. What -- what did you do in that</p> <p>22 job?</p>
<p>18</p> <p>1 back to that, but I -- I want to ask about</p> <p>2 your -- your job, your other job duties as a</p> <p>3 senior HR business partner in your current</p> <p>4 job. What are -- what -- what do you do?</p> <p>5 A. I support the Department of</p> <p>6 Medicine within the School of Medicine and The</p> <p>7 Center for Diabetes.</p> <p>8 Q. And what -- what -- what's the</p> <p>9 difference between the School of Medicine and</p> <p>10 the Department of Medicine?</p> <p>11 A. Well, the School of Medicine is</p> <p>12 comprised of several departments, research</p> <p>13 centers and institutes. The Department of</p> <p>14 Medicine is just what it is. It's the</p> <p>15 Department of Medicine, and it has nine</p> <p>16 divisions under the Department of Medicine.</p> <p>17 Q. And -- and what -- what do you</p> <p>18 functionally do for -- for those areas?</p> <p>19 A. Yeah. So I provide constant</p> <p>20 consultation in regards to compensation,</p> <p>21 resolve employee relation matters. I ensure</p> <p>22 performance evaluations are completed. Any --</p>	<p>20</p> <p>1 A. Yeah. So I supervised eight</p> <p>2 employee relation consultants, and the</p> <p>3 consultants were responsible for gathering</p> <p>4 information in terms of employee and manager</p> <p>5 conflict incidents. So I was responsible for</p> <p>6 leading the team, coaching the team, their</p> <p>7 performance evaluations.</p> <p>8 Q. How would the -- how would</p> <p>9 conflict -- resolving conflict incidents, how</p> <p>10 did that occur or was it supposed to?</p> <p>11 A. Employees or managers would call</p> <p>12 an ER consultant to discuss the matter. The</p> <p>13 ER consultant would gather the information</p> <p>14 from the employee and manager and then discuss</p> <p>15 ways to resolve the conflict, or if additional</p> <p>16 -- if -- if additional assistance was needed,</p> <p>17 then they would reach out to EOCR.</p> <p>18 Q. And that's --</p> <p>19 A. Equal Opportunity and Civil</p> <p>20 Rights.</p> <p>21 Q. That's an office?</p> <p>22 A. Yes.</p>

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6 (21 to 24)

<p>21</p> <p>1 Q. That's in Virginia?</p> <p>2 A. Yes.</p> <p>3 Q. And when -- when there was a</p> <p>4 conflict, was part of your -- what -- did --</p> <p>5 did you actually -- let me step back.</p> <p>6 With respect to resolving conflicts,</p> <p>7 did you actually participate in that process</p> <p>8 yourself, or did you supervise employees that</p> <p>9 helped resolve conflicts?</p> <p>10 A. It -- it depended on the</p> <p>11 complexity of the issue.</p> <p>12 Q. So you might get involved if</p> <p>13 something more complex?</p> <p>14 A. Yes.</p> <p>15 Q. And was it -- was part of the</p> <p>16 process to get to -- to have -- get people to</p> <p>17 talk to each other and understand each other?</p> <p>18 Is that part of the conflict resolution</p> <p>19 process?</p> <p>20 A. Yes.</p> <p>21 Q. Did -- did some of the conflicts</p> <p>22 often result or did conflicts result from --</p>	<p>23</p> <p>1 better term?</p> <p>2 A. Repeat your question.</p> <p>3 Q. Well, let -- let me maybe ask or</p> <p>4 define a term or the -- if I use the term UVA</p> <p>5 Health, what -- what does that term mean to</p> <p>6 you?</p> <p>7 MS. McGRAW: Object to the form.</p> <p>8 THE WITNESS: Well, I -- I</p> <p>9 supported the School of Medicine. The school</p> <p>10 of Medicine reports up to UVA Health. So the</p> <p>11 dean reports to President Kent of UVA Health.</p> <p>12 BY MR. DIEHL:</p> <p>13 Q. Is UVA Health sort of a</p> <p>14 shorthand for the UVA Health System?</p> <p>15 MS. McGRAW: Object to the form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 Q. Now, I understand, are you</p> <p>18 technically on the academic side personally?</p> <p>19 Your -- your job is personally on the academic</p> <p>20 side?</p> <p>21 A. School of Medicine is academic.</p> <p>22 So, yes, I am an academic employee.</p>
<p>22</p> <p>1 let me just start over.</p> <p>2 In your experience there, did you see</p> <p>3 that conflicts might result from a</p> <p>4 misunderstanding in communication?</p> <p>5 MS. McGRAW: Object to the form.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. DIEHL:</p> <p>8 Q. You understand what I mean by a</p> <p>9 misunderstanding in communication?</p> <p>10 A. Yes.</p> <p>11 Q. And when did you move to the --</p> <p>12 again -- again, sorry for asking, but when did</p> <p>13 you move to the senior HR business partner</p> <p>14 role?</p> <p>15 A. November of 2020.</p> <p>16 Q. So we talked about your duties</p> <p>17 as a senior HR business partner. Have those</p> <p>18 duties been the same from November 2020 until</p> <p>19 the -- until the present?</p> <p>20 A. Yes.</p> <p>21 Q. And have you supported the same</p> <p>22 areas of -- of the university, for lack of a</p>	<p>24</p> <p>1 Q. And -- and but the School of</p> <p>2 Medicine is also part of UVA Health?</p> <p>3 A. Yes.</p> <p>4 Q. So if I use the term UVA Health</p> <p>5 today, just know that I'm referring to the UVA</p> <p>6 Health System.</p> <p>7 A. The hospital.</p> <p>8 Q. Well, what -- what is the hos--</p> <p>9 the -- the medical center. What do you mean</p> <p>10 by hospital?</p> <p>11 A. Well, I'm needing clarification</p> <p>12 from -- how do you define it?</p> <p>13 Q. Well, I want to define it</p> <p>14 correctly. So -- and I don't work for UVA, so</p> <p>15 what -- what do you understand, again, UVA</p> <p>16 Health to be?</p> <p>17 MS. McGRAW: Object to the form.</p> <p>18 THE WITNESS: UVA Health is the</p> <p>19 hospital.</p> <p>20 BY MR. DIEHL:</p> <p>21 Q. Which -- which hospital?</p> <p>22 A. What do you -- I don't</p>

Transcript of [REDACTED]  
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7 (25 to 28)

<p>25</p> <p>1 <b>understand your question.</b></p> <p>2 Q. Well, I guess what --</p> <p>3 <b>A. In Charlottesville, Virginia.</b></p> <p>4 Q. But it's not -- well, would it</p> <p>5 include clinics that may not be part of the</p> <p>6 hospital proper?</p> <p>7 MS. McGRAW: Object to the form.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. DIEHL:</p> <p>10 Q. So UVA Health would include the</p> <p>11 hospital and any clinics or entities that are</p> <p>12 part of the UVA Health System.</p> <p>13 MS. McGRAW: Object to the form.</p> <p>14 Q. Is that fair?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Were your duties at -- was it</p> <p>17 University of Missouri?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Were your duties at University</p> <p>20 of Missouri or University of Rochester</p> <p>21 substantially different than -- than what you</p> <p>22 do at -- have done at UVA?</p>	<p>27</p> <p>1 just referenced between the University of</p> <p>2 Virginia and the University of Missouri?</p> <p>3 <b>A. So my role at University of</b></p> <p>4 <b>Missouri as the senior HR consultant reported</b></p> <p>5 <b>to an associate dean and the dean of the</b></p> <p>6 <b>School of Medicine. My position here at UVA,</b></p> <p>7 <b>I report to a director of human resources for</b></p> <p>8 <b>the School of Medicine. So the reporting</b></p> <p>9 <b>structure is different.</b></p> <p>10 Q. Are there more layers of</p> <p>11 reporting structure at UVA?</p> <p>12 MS. McGRAW: Object to the form.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MR. DIEHL:</p> <p>15 Q. Did any of the universities you</p> <p>16 worked for previously require employees to be</p> <p>17 vaccinated?</p> <p>18 <b>A. I don't remember.</b></p> <p>19 Q. And before 2021, did you have</p> <p>20 any duties related to vaccination or excuse</p> <p>21 me. Request. Did you have any -- let me</p> <p>22 start over.</p>
<p>26</p> <p>1 <b>A. No. You know, each -- each</b></p> <p>2 <b>organization defines the titles differently in</b></p> <p>3 <b>the scope of the position differently.</b></p> <p>4 Q. Did -- do the HR departments</p> <p>5 that you worked in, are they substantially</p> <p>6 different at the different universities you've</p> <p>7 worked at?</p> <p>8 MS. McGRAW: Object to the form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. DIEHL:</p> <p>11 Q. What -- what's -- what are the</p> <p>12 biggest differences between UVA's HR</p> <p>13 department and University of Missouri?</p> <p>14 MS. McGRAW: Object to the form.</p> <p>15 THE WITNESS: In terms of size,</p> <p>16 in terms of scope, in terms of reporting</p> <p>17 structure?</p> <p>18 Q. So --</p> <p>19 <b>A. Or decentralized versus</b></p> <p>20 <b>centralized?</b></p> <p>21 Q. Yeah. So -- so what -- what --</p> <p>22 what is different about those issues that you</p>	<p>28</p> <p>1 Before 2021, did you have any duties</p> <p>2 related to exemptions from any vaccination</p> <p>3 requirements at -- as part of your job at UVA?</p> <p>4 <b>A. No.</b></p> <p>5 Q. But -- but you did, I</p> <p>6 understand, have duties related to vaccination</p> <p>7 exemptions beginning in 2021?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. What was that?</p> <p>10 <b>A. I was part of a committee. I</b></p> <p>11 <b>was a part of a committee, a team committee</b></p> <p>12 <b>that reviewed religious exemptions.</b></p> <p>13 Q. So reviewed requests for</p> <p>14 religious exemptions submitted by UVA</p> <p>15 employees?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Did the committee review request</p> <p>18 for exemptions from -- from employees that</p> <p>19 didn't -- did not work for UVA?</p> <p>20 MS. McGRAW: Object to the form.</p> <p>21 THE WITNESS: No.</p> <p>22 BY MR. DIEHL:</p>



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8 (29 to 32)

<p>29</p> <p>1 Q. And if -- if there's -- if I use 2 the term team member, is -- what does that 3 term mean at UVA? 4 <b>A. For UVA Health, that means an</b> 5 <b>employee at the hospital that works in the</b> 6 <b>medical center.</b> 7 Q. When did you first learn that 8 you would be part of the -- the committee that 9 reviewed religious exemption requests? 10 <b>A. I don't remember.</b> 11 Q. If I say -- if I refer to that 12 committee as the religious exemption committee 13 just to make it shorter, is that -- does that 14 make sense to you? 15 <b>A. Yes.</b> 16 Q. Do you recall who talked to you 17 about being on that committee? 18 <b>A. Melissa Fredrick.</b> 19 Q. And what do you recall about 20 that conversation? 21 <b>A. I don't remember.</b> 22 Q. Do you recall anything other</p>	<p>31</p> <p>1 BY MR. DIEHL: 2 Q. Yeah. If you have to -- if you 3 send a text related to work, do you use your 4 own phone? 5 MS. McGRAW: Object to the form. 6 Lack of foundation. 7 THE WITNESS: Yes. 8 Q. And after you met with Ms. 9 Fredrick for -- well, I don't know if it's a 10 meeting or not, but after you somehow 11 communicated with Ms. Fredrick about being a 12 part of the committee, what -- what do you 13 recall happened next with respect to your 14 participation in that committee? 15 <b>A. That we had a meeting with</b> 16 <b>others that were also a part of the committee.</b> 17 Q. And when was that? Do you 18 recall? 19 <b>A. I don't. I don't remember.</b> 20 Q. Was it in the summer of -- of 21 2021? 22 <b>A. I don't remember.</b></p>
<p>30</p> <p>1 than asking you to be a part of this 2 committee? 3 <b>A. No, I don't.</b> 4 Q. After -- and was that a 5 in-person conversation? 6 <b>A. I don't remember.</b> 7 Q. Was it -- was it were you 8 speaking to each other, whether by video or 9 phone or in-person, or was it an email? 10 <b>A. I don't remember. I don't</b> 11 <b>remember.</b> 12 Q. Does -- does the University of 13 Virginia provide you with a -- with a cell 14 phone? 15 <b>A. No.</b> 16 Q. Do you -- do you use your own 17 cell phone if you have to text somebody for 18 work? 19 MS. McGRAW: Object to the form. 20 Calls for speculation. 21 THE WITNESS: Repeat the 22 question.</p>	<p>32</p> <p>1 ([REDACTED] 1, Exhibit A, Print-out of 2 PowerPoint-UVA Vaccine Religious Accommodation 3 Requests, marked for identification.) 4 ([REDACTED] 2, Defendant UVA's 5 Objections and Answers to Plaintiffs' First 6 Set of Interrogatories, marked for 7 identification.) 8 BY MR. DIEHL: 9 Q. I'm handing you a document 10 that's been previously marked as Exhibit 1. 11 And I -- I said this on the record just 12 yesterday, but the -- the -- the first page is 13 -- is something that was submitted in the 14 lawsuit. So you can kind of ignore it and 15 that type at the top of this page and then the 16 subsequent pages. That -- that's from the 17 lawsuit. So you -- just -- just understand 18 that that wasn't originally there. So the 19 document originally started -- you're -- 20 you're looking at the first page there where 21 it says, Melissa Wolf Riley, and then I'm 22 going to -- I'll -- if you could keep that</p>

Transcript of [REDACTED]

9 (33 to 36)

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<p>33</p> <p>1 exhibit there, and then I'm going to hand you 2 what's been marked as Exhibit 2 previously. 3 And I'd ask you to turn to Exhibit 2. 4 If you look at Exhibit 2, does that 5 look like a document that you've seen before? 6 <b>A. Yes.</b> 7 Q. When have you seen that 8 document? 9 <b>A. When I was notified of the class 10 action lawsuit.</b> 11 Q. Okay. So you've seen something 12 related to the lawsuit about this. When were 13 you notified about the -- the lawsuit? 14 <b>A. I don't remember.</b> 15 Q. Likely, when around the time it 16 was filed? 17 <b>A. I -- I don't remember.</b> 18 Q. So if you take Exhibit 2, 19 counsel can confirm this, but this is a 20 document that was provided to us by UVA's 21 lawyers and what -- what's listed as the 22 interrogatories, those are questions that we,</p>	<p>35</p> <p>1 <b>A. Yes.</b> 2 Q. And it's my understanding that 3 the PowerPoint that is -- that is -- that is 4 Exhibit 1, that PowerPoint was -- was 5 discussed at that training? 6 <b>A. Yes.</b> 7 Q. Was that July 1st, 2021 training 8 the first step after -- excuse me. Let me 9 start that over. 10 Was the July 1st, 2021 training the 11 first meeting that occurred after Melissa 12 Fredrick asked you to participate on the 13 committee? 14 MS. McGRAW: Object to the form. 15 THE WITNESS: I don't remember. 16 I -- I don't remember. 17 BY MR. DIEHL: 18 Q. Was there -- do you remember any 19 other meetings related to the religious 20 exemption committee before the committee 21 started to meet and review exemptions? 22 <b>A. I don't remember.</b></p>
<p>34</p> <p>1 the plaintiffs, posed to UVA. So I just want 2 to point you to Interrogatory No. 3, which is 3 on page six. So if you take a minute and just 4 read Interrogatory No. 3 at the -- the bottom 5 of page six, and it's asking about training 6 related to vaccine exemptions. And obviously 7 you can read the specific words and tell me, 8 are you done reading the interrogatory itself? 9 <b>A. I am. Yes.</b> 10 Q. And then just -- I just want to 11 ask you in the -- in the answer, there's the 12 objections. Those are from the lawyers, but 13 just -- I want to point you to the first 14 sentence of the answer to Interrogatory No. 3 15 in the middle of the page there where it says, 16 subject to and without waiving its objections, 17 UVA states that a training was held on July 18 1st, 2021 at McKim Hall, and then it continues 19 and two sentences later it says, the attendees 20 were -- and there's a list of people, 21 including you. Do you recall attending that 22 July 1st training?</p>	<p>36</p> <p>1 Q. Do you -- do you remember that 2 training? 3 <b>A. Yes.</b> 4 Q. And do you recall the -- the 5 information provided related to the PowerPoint 6 that is Exhibit 1? 7 <b>A. Yes.</b> 8 Q. Did you receive any other 9 training related to reviewing religious 10 exemptions, other than the July 1st training 11 where Exhibit 1 was discussed? 12 <b>A. No.</b> 13 Q. And was the process that's 14 outlined in Exhibit 1 the process that the 15 religious exemption committee used? 16 <b>A. Yes. The process on page 14. I 17 just want to make sure that we're referring to 18 the right -- the same process.</b> 19 Q. Sure. That's -- that -- that's 20 very helpful. So you're referring to page 14 21 of Exhibit 1? 22 <b>A. Yes.</b></p>

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10 (37 to 40)

<p>37</p> <p>1 Q. So could you walk me through 2 that process? 3 MS. McGRAW: Object to the form. 4 Q. Using -- using Exhibit 1, if 5 it's helpful. 6 <b>A. Yes. So the team member would</b> 7 <b>log into Vax Trax and enter in the -- enter</b> 8 <b>employee name, enter employee title, enter</b> 9 <b>department, and then the Vax Trax. So they</b> 10 <b>would enter that in Vax Trax, and they would</b> 11 <b>upload any relevant information related to</b> 12 <b>their request, and then as an HR senior, HR</b> 13 <b>business partner, I could review or the</b> 14 <b>committee could review the request. So that</b> 15 <b>was the process.</b> 16 Q. On page 14 of Exhibit 1 where -- 17 where it says HRBP, that's HR business 18 partner? 19 <b>A. Correct.</b> 20 Q. And -- and HRBP panelist, that's 21 -- is that referring to the members of the 22 committee?</p>	<p>39</p> <p>1 issues that were discussed with the group with 2 respect to exemption requests? 3 MS. McGRAW: Object to the form. 4 THE WITNESS: Common, but -- 5 BY MR. DIEHL: 6 Q. So it -- it sounded like that -- 7 that if a request was incomplete or you didn't 8 understand it, that that's what we discussed 9 with the group; is that fair? 10 <b>A. Yes.</b> 11 Q. So with respect to those issues, 12 either incompleteness or not understanding it, 13 were there similar issues among the different 14 requests that you would then discuss with the 15 committee? 16 <b>A. I don't remember.</b> 17 Q. You -- you don't remember if 18 there were -- were there issues that were 19 repeated among many requests that were then 20 discussed with the committee? 21 <b>A. I don't remember.</b> 22 Q. On page eight of Exhibit 1,</p>
<p>38</p> <p>1 <b>A. Yes.</b> 2 Q. Did you review exemptions 3 individually and -- well, yeah. Did you 4 review exemptions individually or as a group? 5 <b>A. I reviewed -- I reviewed</b> 6 <b>exemptions individually and also with the</b> 7 <b>team. With the committee.</b> 8 Q. What was -- was there a reason 9 some would be reviewed by you and some would 10 be reviewed by the committee? 11 <b>A. Yes.</b> 12 Q. What was that? 13 <b>A. Individually, if I felt as --</b> 14 <b>individually if the request was incomplete or</b> 15 <b>needed additional information or</b> 16 <b>understanding, then we would have an</b> 17 <b>opportunity to meet as a committee to discuss.</b> 18 Q. So if the request was complete 19 and -- and could either be reviewed or denied, 20 then you would do that on your own? 21 <b>A. Yes.</b> 22 Q. Do you recall any -- any common</p>	<p>40</p> <p>1 there's -- sorry. I think that's Exhibit 2. 2 Exhibit 1 is the PowerPoint. Sorry. Do you 3 -- do you have page eight of the PowerPoint in 4 front of you? 5 <b>A. Yes.</b> 6 Q. And what do you know about -- 7 this page talks about undue hardship, correct? 8 <b>A. Yes.</b> 9 Q. What do you know about undue 10 hardship as it relates to the religious 11 exemption process in 2021? 12 <b>A. So undue -- undue hardship,</b> 13 <b>undue hardship -- let's see. Employer can</b> 14 <b>demonstrate undue hardship by showing</b> 15 <b>proposal. Yeah. So if an employee -- if an</b> 16 <b>employee's job was assigned to working with</b> 17 <b>patients and the employee decided not to get</b> 18 <b>the -- the vaccine, given that would pose a</b> 19 <b>burden on the -- on the department.</b> 20 MS. McGRAW: I'm going to -- 21 THE WITNESS: Or -- 22 MS. McGRAW: I'm sorry.</p>



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11 (41 to 44)

<p>41</p> <p>1 THE WITNESS: Yeah.</p> <p>2 MS. McGRAW: I'm just saying</p> <p>3 interposing a belated objection to the extent</p> <p>4 we're asking for a legal conclusion here.</p> <p>5 BY MR. DIEHL:</p> <p>6 Q. Just -- you're not an attorney,</p> <p>7 are you?</p> <p>8 <b>A. I am not, no.</b></p> <p>9 Q. So just know that any questions</p> <p>10 I ask today, I'm not asking for your legal</p> <p>11 opinion. I'm just asking for your personal</p> <p>12 opinion. Either your personal opinion or</p> <p>13 professional opinion as an HR person. Does</p> <p>14 that make sense?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. With respect to the issue of</p> <p>17 undue hardship that you were just discussing,</p> <p>18 was that a part of -- how did that issue fit</p> <p>19 into the committee's work that you're -- the</p> <p>20 -- the religious exemption committee?</p> <p>21 <b>A. I don't remember.</b></p> <p>22 Q. Do you not remember that --</p>	<p>43</p> <p>1 MS. McGRAW: Object to the form.</p> <p>2 MR. KIRSNER: Mischaracterizes.</p> <p>3 BY MR. DIEHL:</p> <p>4 Q. Yeah. I'm sorry. Just -- can</p> <p>5 you explain what you mean as far as what you</p> <p>6 remember about the issue of undue hardship in</p> <p>7 the religious exemption committee?</p> <p>8 <b>A. So as it relates to the training</b></p> <p>9 <b>and as it relates to reviewing the religious</b></p> <p>10 <b>exemptions, if -- if the request demonstrated</b></p> <p>11 <b>undue hardship, all of those it was taken into</b></p> <p>12 <b>consideration and reviewed thoroughly.</b></p> <p>13 Q. By you and members of the</p> <p>14 committee?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. What did -- what did you use to</p> <p>17 -- what information did you use to judge that</p> <p>18 issue?</p> <p>19 <b>A. There were two questions that</b></p> <p>20 <b>were asked and so reviewing -- reviewing the</b></p> <p>21 <b>request for completeness. So there were two</b></p> <p>22 <b>questions that were asked in ensuring that the</b></p>
<p>42</p> <p>1 well, let me -- let me rephrase that</p> <p>2 differently.</p> <p>3 When you say you don't remember, was</p> <p>4 that you don't remember that the committee had</p> <p>5 any work or duties related to undue hardship?</p> <p>6 MS. McGRAW: Object to the form.</p> <p>7 Q. Or there were, but you don't</p> <p>8 remember the specifics?</p> <p>9 MS. McGRAW: Object to the form.</p> <p>10 THE WITNESS: I don't remember</p> <p>11 the specifics.</p> <p>12 BY MR. DIEHL:</p> <p>13 Q. So you -- so you the committee</p> <p>14 did have, to your knowledge, did the committee</p> <p>15 have duties related to undue hardship? The</p> <p>16 issue of undue hardship?</p> <p>17 <b>A. I don't remember the specifics.</b></p> <p>18 Q. Whether or not you remember the</p> <p>19 specifics, you generally remember that the</p> <p>20 committee had some duties related to undue</p> <p>21 hardship?</p> <p>22 <b>A. Yes.</b></p>	<p>44</p> <p>1 <b>-- the team member answered the two questions</b></p> <p>2 <b>that were asked.</b></p> <p>3 Q. What -- what about those</p> <p>4 questions related to the issue of undue</p> <p>5 hardship?</p> <p>6 MS. McGRAW: I'm going to object</p> <p>7 to the use of the phrase undue hardship,</p> <p>8 including whether you're talking about an</p> <p>9 undue hardship to an employee who's making the</p> <p>10 request or undue hardship to an employer.</p> <p>11 BY MR. DIEHL:</p> <p>12 Q. Well, as we've been talking</p> <p>13 about undue hardship, you understand that I've</p> <p>14 been talking about it as that term is used on</p> <p>15 page eight of Exhibit 1, correct?</p> <p>16 MS. McGRAW: I've asked the</p> <p>17 witness to read page eight of Exhibit 1.</p> <p>18 MR. DIEHL: Counsel, let's -- I</p> <p>19 don't want your testimony today. I want the</p> <p>20 witness' testimony. If you could have proper</p> <p>21 objections and stick to those, that would be</p> <p>22 helpful.</p>

Transcript of [REDACTED]  
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12 (45 to 48)

<p>45</p> <p>1 MS. MCGRAW: You're referring to</p> <p>2 the exhibit.</p> <p>3 MR. DIEHL: I'm asking the</p> <p>4 witness about the exhibit. Don't tell the</p> <p>5 witness what to do.</p> <p>6 MS. MCGRAW: I'm asking the</p> <p>7 witness to read the document before [REDACTED]</p> <p>8 responds to your request.</p> <p>9 BY MR. DIEHL:</p> <p>10 Q. You -- you've -- you've read</p> <p>11 page eight of Exhibit 1, correct?</p> <p>12 A. Yes.</p> <p>13 Q. And -- and when we were talking</p> <p>14 about undo hardship over the past several</p> <p>15 questions, you understood that's what we've</p> <p>16 been referring to what's written on Exhibit 8?</p> <p>17 MS. MCGRAW: Objection.</p> <p>18 Q. Excuse me. Page eight of</p> <p>19 Exhibit 1?</p> <p>20 MS. MCGRAW: Object to the form.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MR. DIEHL:</p>	<p>47</p> <p>1 undue hardship was taken into consideration?</p> <p>2 MS. MCGRAW: Same objection as</p> <p>3 made previously.</p> <p>4 THE WITNESS: What I remember is</p> <p>5 undue hardship being a part of the training</p> <p>6 document, but also it being separate and apart</p> <p>7 from granting or denying. So it -- it -- it</p> <p>8 was not the committee's responsibility to</p> <p>9 determine if it was undue hardship or not. It</p> <p>10 was the committee's responsibility to review,</p> <p>11 to review the religious exemption request.</p> <p>12 BY MR. DIEHL:</p> <p>13 Q. So the -- the committee did not</p> <p>14 take undue hardship into consideration when --</p> <p>15 when it was discussing requests?</p> <p>16 MR. KIRSNER: Objection. Asked</p> <p>17 and answered.</p> <p>18 THE WITNESS: I don't remember.</p> <p>19 Q. If you go back to page 14 of</p> <p>20 Exhibit 8, the Vax Trax. When we say Vax</p> <p>21 Trax, what -- what is Vax Trax?</p> <p>22 A. Vax Trax is a system that was</p>
<p>46</p> <p>1 Q. So, I'm going to ask the same</p> <p>2 questions again, unfortunately, just because</p> <p>3 lawyers have to make objections to record and</p> <p>4 I want to make sure the record's clear, so</p> <p>5 I'll -- I'll go back through it.</p> <p>6 Based on as a result of the objections,</p> <p>7 we talked about the issue of undue hardship</p> <p>8 and, again, we're referring to as that is</p> <p>9 discussed on page eight of Exhibit 1. Do you</p> <p>10 understand that?</p> <p>11 A. Yes.</p> <p>12 Q. And you talked about the issue</p> <p>13 of undue hardship with respect to the</p> <p>14 committee's work and reviewing exemption</p> <p>15 requests. Can you tell me what that -- what</p> <p>16 the committee did with respect to that issue</p> <p>17 again?</p> <p>18 A. I don't remember.</p> <p>19 Q. As I look back through -- as I</p> <p>20 recall your testimony, I believe you had</p> <p>21 mentioned that -- that as the committee</p> <p>22 reviewed exemptions requests, the issue of</p>	<p>48</p> <p>1 used to -- to indicate if a team member has</p> <p>2 been vaccinated or not.</p> <p>3 Q. And so the team member that --</p> <p>4 that shows if they're vaccinated, but that's</p> <p>5 also where employees would make requests for</p> <p>6 exemption?</p> <p>7 A. Yes.</p> <p>8 Q. And did the religious exemption</p> <p>9 committee have anything to do with medical --</p> <p>10 request for exemption related to medical</p> <p>11 issues?</p> <p>12 A. No.</p> <p>13 Q. Did you have any knowledge of</p> <p>14 the process for -- that employees would use to</p> <p>15 request a medical exemption from the COVID</p> <p>16 vaccine requirement?</p> <p>17 A. No.</p> <p>18 Q. So back to page 14 of Exhibit 1.</p> <p>19 The team member would submit an exemption</p> <p>20 request in Vax Trax, and then that request</p> <p>21 would be -- was -- was pulled by the</p> <p>22 designated HRBP panelist. What does it mean</p>

Transcript of [REDACTED]

13 (49 to 52)

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<p>49</p> <p>1 to pull -- what does -- what does request as 2 pulled mean? 3 <b>A. To retrieve the religious</b> 4 <b>exemption request to review.</b> 5 Q. So you would receive notice that 6 there's requests to review. How -- how would 7 you know which ones to review or pull? 8 <b>A. Login and check Vax Trax.</b> 9 Q. Do you know how -- how some were 10 assigned to you or some were assigned to other 11 members of the committee? 12 <b>A. How what?</b> 13 Q. Do you know how some requests 14 were assigned to you versus other members of 15 the committee? 16 <b>A. It was assigned by volume. For</b> 17 <b>example, if 50 came in one day, then they were</b> 18 <b>divided among the team. The committee</b> 19 <b>members.</b> 20 Q. Would -- was it -- was it, to 21 your knowledge, random in terms of which of 22 the -- other than the number which, for</p>	<p>51</p> <p>1 MR. DIEHL: Yeah, I understand 2 that. 3 MS. McGRAW: You have to select 4 tables. 5 BY MR. DIEHL: 6 Q. It's my understanding that this 7 is information taken from the Vax Trax system. 8 Does -- does this -- does the information or 9 format -- well, does the information -- let me 10 break it apart. 11 Does the information on Exhibit 6 look 12 familiar to you? 13 <b>A. Yes.</b> 14 Q. It's my understanding that the 15 ID there is a -- is a new ID that was provided 16 in this lawsuit to anonymized the individuals, 17 and then the change by ID where it says 18 requester is -- it was added by the lawyers in 19 this lawsuit. That's my understanding. The 20 rest of the information is -- is what was in 21 the Vax Trax system or what is in the Vax Trax 22 system. I don't see any information in this</p>
<p>50</p> <p>1 example, area of UVA Health the employee 2 worked in? 3 <b>A. It was random.</b> 4 Q. And when you received requests, 5 did you receive information about where this 6 employee worked? 7 <b>A. Where the employee worked was on</b> 8 <b>the form. It has department and title.</b> 9 ( [REDACTED] 6, (Highly 10 Confidential)-UVA_0002368-Print-out of 11 Information from the Vax Trax system, marked 12 for identification.) 13 Q. I'm going to hand you a document 14 that was previously marked as Exhibit 6. And 15 I understand this is a printout of information 16 from the Vax Trax system. That's my 17 understanding. 18 MS. McGRAW: It's just -- it's a 19 printout of tables from Vax Trax. Vax Trax 20 database. I just want to make sure that's 21 clear. It's not like these are documents that 22 are just sitting in Vax Trax.</p>	<p>52</p> <p>1 document, Exhibit 6, that shows what 2 department the employee worked in. Do you see 3 that anywhere? 4 <b>A. I do not.</b> 5 Q. Where -- and there -- but there 6 was that information there or, yeah, there 7 was. Let me -- let me ask that again. 8 When you used the Vax Trax system in 9 2021 to review exemption requests, there was 10 information about where the employee worked in 11 the system? 12 <b>A. Department.</b> 13 Q. And then was there titles in the 14 -- in the Vax Trax system for employees who 15 made requests for exemption? 16 <b>A. Yes.</b> 17 Q. How would that -- where was that 18 shown, I guess. Do you -- if you recall? 19 <b>A. On the requested form. So this</b> 20 <b>-- on the requested form. So an employee</b> 21 <b>would login -- well, actually, I don't know</b> 22 <b>what it looks like from an employee logging</b></p>

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Transcript of [REDACTED]

14 (53 to 56)

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<p>53</p> <p>1 in, but to review, it would have name, 2 department, title. This form only indicates 3 employee infor -- employee information, so. 4 MR. DIEHL: I don't think we 5 received that information. 6 MS. McGRAW: You have received 7 it. It's in a spreadsheet from Workday. What 8 I'm trying to explain to you is what [REDACTED] sees 9 in Vax Trax is different than printing tables. 10 MR. DIEHL: I understand that. 11 MS. McGRAW: So the form itself 12 had that information on it. It's been 13 produced to you on a spreadsheet that 14 corresponds to each one of these numbers. 15 BY MR. DIEHL: 16 Q. I'll come back to that. And I 17 didn't say this earlier, but if at any point 18 you need a break or want to take a break, just 19 let me know, and I'll try to take it as soon 20 as possible or might finish a question or two 21 if were finishing a topic. So I'll come back 22 to the issues of -- of department and titles,</p>	<p>55</p> <p>1 A. Then the employee would be 2 notified. The employee received notification 3 of the answer. 4 Q. Would -- would anyone else, to 5 your knowledge, review the decision to approve 6 or deny it other than if you had made that 7 decision by yourself without the committee? 8 MS. McGRAW: Object to the form. 9 MR. DIEHL: Let me -- let me 10 break it apart. 11 MS. McGRAW: Okay. 12 BY MR. DIEHL: 13 Q. So, for example, you -- for some 14 requests, you would review the request 15 yourself, and then based on your review, you 16 would approve the request; is that fair? 17 A. Yes. 18 Q. And so for that request, to your 19 knowledge, would someone else at UVA review 20 the decision before that decision was 21 communicated to the employee who made the 22 request?</p>
<p>54</p> <p>1 but I guess when you reviewed an exemption 2 request in 2021, as part of the religious 3 exemption committee, was the department and 4 title of the employee relevant to your review? 5 A. No. 6 Q. And if we go back to page 14 of 7 Exhibit 1, sorry to jump around, but that's 8 the PowerPoint there. Do you have page 14 in 9 front of you? 10 A. Yes. 11 Q. And the panelists that -- that 12 -- that would be you for some, correct? 13 A. Yes. 14 Q. You review the request and then 15 -- and then what happens? 16 A. Review the request for 17 completeness and -- and indicate approve or 18 deny, or hold to be further discussed with the 19 committee. 20 Q. And if you, based on that review 21 without the committee, if you approved or 22 denied a request, then what would happen?</p>	<p>56</p> <p>1 A. I don't remember. 2 Q. Do you not remember that whether 3 that -- whether that occurred or whether it 4 didn't occur? 5 MS. McGRAW: Object to the form. 6 Asked and answered. 7 BY MR. DIEHL: 8 Q. Well, do you understand that -- 9 so the difference is -- is do you -- you don't 10 believe that occurred because you don't recall 11 that occurring or you're not sure whether it 12 occurred or not? Do you understand that 13 difference? 14 A. I do understand the difference. 15 Q. So what -- what's -- what -- 16 when you say you don't -- you don't remember, 17 you don't recall what was -- what does that 18 mean in this -- with respect to whether 19 another person reviewed the approval before it 20 was communicated to the employee? 21 A. Well, if there was an approval 22 after I approve, I don't believe so.</p>

Transcript of [REDACTED]

15 (57 to 60)

Conducted on August 28, 2024

<p>57</p> <p>1 Q. Did anyone at any point tell you</p> <p>2 that there was a certain number of approved</p> <p>3 exemptions that -- that UVA could grant, but</p> <p>4 -- but that there was a limit on the number of</p> <p>5 -- of approvals that could be granted?</p> <p>6 A. No.</p> <p>7 Q. Did anyone tell you that if we</p> <p>8 grant too many of these, that would be unsafe</p> <p>9 for others at the -- at -- in the health</p> <p>10 system or our patients?</p> <p>11 A. No.</p> <p>12 MS. McGRAW: Object to the form.</p> <p>13 THE WITNESS: No.</p> <p>14 BY MR. DIEHL:</p> <p>15 Q. With respect to requests that</p> <p>16 were granted, do you recall any themes or --</p> <p>17 or common reasons why they were approved?</p> <p>18 A. No.</p> <p>19 Q. Were you aware of the issue of</p> <p>20 if -- let me back up.</p> <p>21 It's my understanding that for</p> <p>22 employees that had received a religious</p>	<p>59</p> <p>1 A. I don't --</p> <p>2 MS. McGRAW: Object to the form.</p> <p>3 THE WITNESS: I don't remember.</p> <p>4 BY MR. DIEHL:</p> <p>5 Q. In your -- when you reviewed</p> <p>6 requests for religious exemption, did you</p> <p>7 consider whether an employee had requested a</p> <p>8 religious exemption from any other vaccine as</p> <p>9 part of your review of a request in 2021?</p> <p>10 A. That information is on this form</p> <p>11 on Exhibit 2.</p> <p>12 Q. Six?</p> <p>13 A. Six.</p> <p>14 Q. That's what you're referring to?</p> <p>15 A. Well, what I'm saying is the</p> <p>16 question, vaccine information is located on</p> <p>17 the -- on this form. So in reviewing for</p> <p>18 completeness, the team member or when</p> <p>19 requesting the team member had to indicate if</p> <p>20 they received vaccine before.</p> <p>21 Q. And then was that -- whatever</p> <p>22 information was provided with respect to</p>
<p>58</p> <p>1 exemption that was approved in 2019 or 2020</p> <p>2 with respect to the flu vaccine requirement,</p> <p>3 those employees would automatically be</p> <p>4 approved for an exemption from the COVID</p> <p>5 vaccine requirement. Is that your</p> <p>6 understanding?</p> <p>7 A. I didn't work on -- I only</p> <p>8 participated in the religious exemptions.</p> <p>9 Q. And do you know [REDACTED] ?</p> <p>10 A. Yes.</p> <p>11 Q. And it's my understanding that</p> <p>12 [REDACTED] reviewed requests for religious exemption</p> <p>13 from the flu vaccine in 2019 and 2020. Are</p> <p>14 you aware of that?</p> <p>15 A. No. I was not on that team</p> <p>16 during that time.</p> <p>17 Q. Did do you recall [REDACTED]</p> <p>18 discussing the issue of whether an employee</p> <p>19 had requested and been approved for a</p> <p>20 religious exemption in 2019 or 2020 that might</p> <p>21 affect a request for religious exemption in</p> <p>22 2021?</p>	<p>60</p> <p>1 receiving a previous vaccine, was that</p> <p>2 considered by you as part of your review of</p> <p>3 their new request in 2021 related to the COVID</p> <p>4 vaccine?</p> <p>5 A. I don't remember.</p> <p>6 Q. Do you remember criteria that</p> <p>7 you used for considering whether to approve or</p> <p>8 deny a request in -- in 2021 as part of your</p> <p>9 work for the committee?</p> <p>10 A. Reviewing the form for</p> <p>11 completeness, there were two questions that</p> <p>12 the team member had to answer.</p> <p>13 Q. Do you -- do you recall what</p> <p>14 those questions were?</p> <p>15 A. I don't remember.</p> <p>16 Q. The -- if you look at Exhibit 6,</p> <p>17 the -- on the first page, there's a table that</p> <p>18 has the word S-T-R-U-C-T at the top. Do you</p> <p>19 see that? It's in -- it's in a black, yeah.</p> <p>20 Do you see that, S-T-R-U-C-T?</p> <p>21 A. Yes.</p> <p>22 Q. So if you look at that table --</p>

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Transcript of [REDACTED]

16 (61 to 64)

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<p>61</p> <p>1 and when I say table, I mean the -- the 2 columns and rows that don't have a break in 3 before the next label S-T-R-U-C-T. Do you see 4 where that table is I'm referring to? 5 <b>A. Yes.</b> 6 Q. So at the bottom two rows on the 7 left side, it says religious belief comment 8 and religious comment. Did that information 9 relate to the -- those two questions that you 10 were just talking about? 11 <b>A. I don't remember.</b> 12 Q. What -- do you -- what was your 13 ID in the Vax Trax system? ID number, excuse 14 me. 15 <b>A. I don't remember what my ID 16 number was in the Vax Trax system.</b> 17 Q. I've seen eight and seven. 18 Eight I understand to be [REDACTED]. And 19 then I've seen 71. 20 <b>A. I don't remember what my -- I 21 don't remember.</b> 22 Q. And then I've seen a four digit</p>	<p>63</p> <p>1 Q. And then there's a notation 2 about an email being sent and then [REDACTED] Do 3 you see that? 4 <b>A. Yes.</b> 5 Q. It's my understanding that's 6 [REDACTED]' initials? 7 <b>A. Yes.</b> 8 Q. What -- what initials did you 9 put in? 10 <b>A. I don't remember.</b> 11 Q. What -- what are your -- do you 12 have three initials? 13 <b>A. Yes.</b> 14 Q. What are they? 15 <b>A. [REDACTED].</b> 16 Q. Probably a good time for a short 17 break. 18 <b>A. Yeah.</b> 19 (Off the record.) 20 BY MR. DIEHL: 21 Q. All right. We're back on the 22 record. Just meaning that the court -- the</p>
<p>62</p> <p>1 number. I've seen 2397. None of those ring a 2 bell? 3 <b>A. No.</b> 4 Q. What are your -- I understand 5 that at times employees would put their 6 initials in the -- in the -- in -- well, I'll 7 show you an example. If you go to page 2385 8 and -- and what I'm referring to as the 9 numbers at the bottom, those are -- those were 10 added as part of the lawsuit. They're called 11 -- if I refer to them as a Bates label, that's 12 what I'm talking about, or Bates number. So 13 if you go to the page with 2385 at the bottom. 14 <b>A. Uh-hum.</b> 15 Q. I'm sorry. I didn't hear a 16 response. 17 <b>A. Yes.</b> 18 Q. And if you see up at the top in 19 the partial table that is at the top of page 20 2385, there's a religious admin comment. Do 21 you see that? 22 <b>A. Yes.</b></p>	<p>64</p> <p>1 court reporter is going to be taking down the 2 transcript. And I -- I won't do this every 3 time, but you understand that as we take 4 breaks throughout the day, you're still under 5 oath and -- and as you're testifying? 6 <b>A. Yes.</b> 7 Q. I'm going to mark a new exhibit, 8 which I believe is 16. So do you recognize -- 9 well, have you seen Exhibit 16 before? It's 10 my understanding this was created for the 11 lawsuit, but if you look at the top, there's a 12 notation workday information for users with 13 approved COVID-19 religious exemption 14 requests. Do you see that? 15 <b>A. Yes.</b> 16 Q. When we talked about the title 17 and department for employees who made requests 18 for religious exemption, is this that type of 19 information? 20 <b>A. No.</b> 21 Q. What is different? 22 <b>A. In Vax -- Vax Trax, it requires</b></p>

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Transcript of [REDACTED]  
Conducted on August 28, 2024

17 (65 to 68)

<p>65</p> <p>1 the person, the team member's name, title and 2 department. I have not seen this document 3 before. I think that was the first question 4 you asked. So the answer is, no, I have not 5 seen this document before.</p> <p>6 Q. Okay. So looking at the request 7 department, the first line has an ID. So 8 well, let me -- let me step back. It's my 9 understanding and -- and counsel can confirm 10 that the first column is a unique ID that was 11 created for the lawsuit. So those IDs 12 wouldn't have existed before. So you -- so I 13 understand you wouldn't have seen those, but 14 if you look at the line beginning at with ID 15 eight, do you see where it says MC-2725000 16 Nursing Professional Dev SVCS?</p> <p>17 A. Yes.</p> <p>18 Q. And is that a -- is that 19 department information?</p> <p>20 A. Did you -- repeat the question.</p> <p>21 Q. Well, so the -- the label on 22 that column is request department. Do you see</p>	<p>67</p> <p>1 A. Request department.</p> <p>2 Q. -- request department labels 3 listed in the column on Exhibit 16?</p> <p>4 A. Yes.</p> <p>5 Q. And then there's request job 6 profile name. Do you see that column on 7 Exhibit 16?</p> <p>8 A. Yes.</p> <p>9 Q. And there -- there's some 10 information for the different requesters 11 there. Do those look like the titles that you 12 saw in Vax Trax?</p> <p>13 A. In terms of titles, yes.</p> <p>14 Q. And I believe you answered this 15 before, but as you reviewed exemption requests 16 as part of your work for the committee in 17 2021, was the title of the employee or the 18 department that was listed in Vax Trax, was 19 that relevant to your review?</p> <p>20 A. No.</p> <p>21 [REDACTED] 17, (Highly 22 Confidential)-UVA_0003035-Print-out of</p>
<p>66</p> <p>1 that?</p> <p>2 A. Yes.</p> <p>3 Q. And so I'm just trying to 4 understand if this is similar or the same type 5 of department information that you would have 6 seen in the Vax Trax system?</p> <p>7 A. No.</p> <p>8 Q. How -- what did the information 9 regarding departments, what did that look like 10 in the Vax Trax system?</p> <p>11 A. The team member would have to 12 indicate name of the department. I've never 13 seen this document before. I don't -- I've 14 never seen this document before.</p> <p>15 Q. And so -- so the employee would 16 -- your understanding would type in a 17 department?</p> <p>18 A. Yes. I don't know that once 19 they typed in their department, it would 20 populate this information. Like, this does 21 not look familiar to me.</p> <p>22 Q. And you're referring to the --</p>	<p>68</p> <p>1 Information from the Vax Trax system, marked 2 for identification.)</p> <p>3 Q. Let's mark Exhibit 17. And do 4 you recognize Exhibit 17 as a printout of 5 information from the Vax Trax system?</p> <p>6 A. Yes.</p> <p>7 Q. And, again, the ID 43 relates to 8 a particular employee, but that wouldn't have 9 been part of the Vax Trax system when -- when 10 you reviewed it. Do you understand that?</p> <p>11 A. Yes.</p> <p>12 Q. So at the bottom of page 17, 13 there looks like there's -- there was 14 information provided by the requester. It 15 says they're in the change by ID row. Do you 16 see that?</p> <p>17 A. Yes.</p> <p>18 Q. And, again, counsel can confirm, 19 but the requester is -- was changed by the 20 lawyers, but that refers to the same person as 21 ID 43, but it -- rather than have their name 22 there or an individual ID, it just says</p>

Transcript of [REDACTED]  
Conducted on August 28, 2024

18 (69 to 72)

<p>69</p> <p>1 requester. So I'm just -- I'm representing 2 that to you, but do you understand that? 3 <b>A. I understand that. So the</b> 4 <b>requester is identified as 43.</b> 5 Q. Correct. That's my 6 understanding. 7 MR. DIEHL: Is that your 8 counsel? 9 MS. McGRAW: Yes. The ID 43 at 10 the top is the anonymous number assigned to 11 this person for all documents produced related 12 to this person. 13 MR. DIEHL: Okay. 14 MS. McGRAW: And then the change 15 by ID normally Vax Trax assigns a numeric code 16 to each individual user, but to keep this 17 anonymous, we removed the generic code and 18 used the word requester when it was the 19 employee seeking the exemption that needed to 20 be indicated there. 21 MR. DIEHL: And so 43 in 22 requester refer to the same person, correct,</p>	<p>71</p> <p>1 Q. If you were going to go about 2 reviewing this request, if it was assigned to 3 you in 2021 as part of your work -- as part of 4 your work for the committee, how would you 5 have gone about that? 6 MS. McGRAW: Object to the form. 7 Calls for speculation. 8 BY MR. DIEHL: 9 Q. Well, you were part of the 10 committee that reviewed religious exemption 11 requests in 2021, correct? 12 <b>A. Yes.</b> 13 THE REPORTER: I'm sorry. I 14 didn't hear the answer. 15 THE WITNESS: Yes. 16 Q. And so you received requests 17 with information similar to what was -- what 18 is provided in the religious belief comment 19 and religious conflict comment on the first 20 and second pages of Exhibit 17, correct? 21 <b>A. Yes.</b> 22 Q. And at that time, you knew the</p>
<p>70</p> <p>1 counsel? 2 MS. McGRAW: Yes. 3 BY MR. DIEHL: 4 Q. Okay. Does that make sense to 5 you? 6 <b>A. Yes.</b> 7 Q. Thank you. So if we look at the 8 first table that begins with the row that's 9 labeled S-T-R-U-C-T in the middle of the first 10 page of Exhibit 17, it looks like there was 11 information provided by the requester and then 12 there's information that the requester 13 provided related to religious belief -- 14 beliefs. And if you turn to the second page, 15 there's information provided related to 16 religious conflict. Do you see that? 17 <b>A. Yes.</b> 18 Q. And do you recall whether you 19 reviewed this information previously? 20 <b>A. This request?</b> 21 Q. Yes. 22 <b>A. No, I don't.</b></p>	<p>72</p> <p>1 process that you used for reviewing requests, 2 correct? 3 <b>A. Yes.</b> 4 Q. And do you recall that process, 5 how you would have gone about reviewing 6 requests like this in 2021? 7 MS. McGRAW: Object to the form. 8 Asked and answered. 9 Q. You can answer. 10 <b>A. Yes.</b> 11 Q. Tell me how you would have 12 reviewed a request like this, whether or not 13 you actually reviewed this one, Exhibit 17. 14 MR. KIRSNER: Object to the 15 form. 16 THE WITNESS: I can answer? 17 Q. Yes. So I should say this. 18 Lawyers make objections. Sometimes they're 19 important. Sometimes they're not, but if the 20 -- if the lawyer doesn't instruct you not to 21 answer, then you -- then you can answer the 22 question if you understand the question.</p>



Transcript of [REDACTED]

19 (73 to 76)

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<p>73</p> <p>1 MR. KIRSNER: I agree if you 2 understand the question. If you do not, 3 please ask the gentleman to rephrase it. 4 MR. DIEHL: You can coach at 5 another time, counsel. 6 MR. KIRSNER: Thank you. 7 MR. DIEHL: So I'll -- I'll 8 start over. And we'll -- can we just assume 9 the same objections and get a cough drop? 10 Just I'm joking about the cough drop. 11 MS. McGRAW: We're not going to 12 assume the same objections because every time 13 you ask, you change the question. 14 BY MR. DIEHL: 15 Q. All right. We'll -- we'll -- 16 we'll just power on. So when you received a 17 request for a religious exemption in 2021 as 18 part of your work for the committee, how would 19 you review that request? 20 MS. McGRAW: Object to the form. 21 THE WITNESS: For completeness. 22 There were two questions that the employee had</p>	<p>75</p> <p>1 Q. So what -- what would you have 2 reviewed to determine whether it was complete? 3 MS. McGRAW: Same objection. 4 THE WITNESS: For sincerity of 5 their religious held beliefs. 6 BY MR. DIEHL: 7 Q. What -- what do you mean by 8 sincerity? 9 <b>A. There --</b> 10 Q. Well, actually, let -- let me -- 11 let me rephrase that. 12 When you reviewed for sincerity in 13 2021, what would you review for? 14 MS. McGRAW: Object to the form. 15 Calls for speculation. Incomplete 16 hypothetical. 17 Q. You can answer. 18 <b>A. For them to list -- for the team</b> 19 <b>member to list the reasons why they needed the</b> 20 <b>exemption.</b> 21 Q. What -- 22 <b>A. They're --</b></p>
<p>74</p> <p>1 to answer. So I would review the form for 2 completeness. 3 BY MR. DIEHL: 4 Q. And what -- I guess, what did it 5 mean to be complete? 6 <b>A. To answer the two questions as</b> 7 <b>to why they needed a -- I don't remember the</b> 8 <b>two questions, but why were they requesting a</b> 9 <b>religious exemption.</b> 10 Q. What -- what did it mean to be 11 complete? Was there -- was there a criteria 12 that needed to be included for it to be 13 complete? 14 MS. McGRAW: Object to the form. 15 Calls for speculation. Incomplete 16 hypothetical. 17 Q. But you -- you just talked about 18 the form being complete, correct? 19 <b>A. Yes.</b> 20 Q. And that was a real thing that 21 you reviewed in 2021, correct? 22 <b>A. Yes.</b></p>	<p>76</p> <p>1 Q. -- be included, what should be 2 included in that for it to be complete? 3 MS. McGRAW: Object to the form. 4 Incomplete hypothetical. Calls for 5 speculation. 6 THE WITNESS: I don't remember 7 the two questions that was asked. 8 BY MR. DIEHL: 9 Q. When you're looking at 10 Exhibit 1 -- before you do, let me ask you 11 this. 12 Did you -- when you attended the 13 training where Exhibit 1 was discussed in July 14 of 2021, correct? 15 <b>A. Yes.</b> 16 Q. And after that training, while 17 you were reviewing requests for religious 18 exemptions as part of your work for the 19 committee, did you go back to that PowerPoint 20 and review the information from it when you 21 were reviewing requests? 22 <b>A. Yes. I used it as a guide.</b></p>

Transcript of [REDACTED]  
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20 (77 to 80)

<p>77</p> <p>1 Q. And did you use any other 2 documents as a guide when you were reviewing 3 requests other than the PowerPoint 4 presentation, Exhibit 1?</p> <p>5 <b>A. So if I was unsure about what 6 something meant within the description or the 7 answer of the team member, then I would 8 discuss it with the committee members.</b></p> <p>9 Q. And other than discussing 10 something you were unsure about with the other 11 exemption committee members, would you review 12 any -- any documents or other guidance of some 13 kind?</p> <p>14 <b>A. I don't remember.</b></p> <p>15 Q. Was there a document with 16 information about abortion and objections 17 related to abortion?</p> <p>18 <b>A. Team members would reference 19 that information within their request, but, 20 no, I did not have a brochure or anything like 21 that to refer to.</b></p> <p>22 Q. What -- what would -- do you</p>	<p>79</p> <p>1 respect to fetal cells being used for testing 2 of COVID vaccines?</p> <p>3 <b>A. I don't remember.</b></p> <p>4 Q. Did you -- do you believe you 5 had an understanding of whether that testing 6 was a true -- let me -- let me step back. 7 Do you -- do you believe you had an 8 understanding in 2021 regarding whether fetal 9 cells were used to test any of the COVID 10 vaccines?</p> <p>11 <b>A. I don't remember.</b></p> <p>12 Q. Did you have anyone that you 13 could go to with questions about issues like 14 whether fetal cells were used in testing any 15 of the COVID vaccines in 2021?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. Who's that?</p> <p>18 <b>A. Melissa Riley.</b></p> <p>19 MS. McGRAW: And I'm going to 20 ask the witness not to reveal any 21 communications with Melissa Riley, who's 22 university counsel and assistant AG.</p>
<p>78</p> <p>1 recall what team members would reference 2 related to abortion in religious exemption 3 requests in 2021?</p> <p>4 <b>A. That -- yes, that the vaccine 5 was that fetal cells were incorporated within 6 the vaccine or they are used for scientific 7 testing.</b></p> <p>8 Q. What do you mean by they use for 9 scientific testing?</p> <p>10 <b>A. Team members would indicate that 11 fetal cells were used in the testing for the 12 COVID-19 vaccine.</b></p> <p>13 Q. Do you have any understanding of 14 whether that -- that is true? Whether fetal 15 cells were used in the testing of any COVID 16 vaccines?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. And -- and it is true?</p> <p>19 MS. McGRAW: Object to the form.</p> <p>20 Q. Well, yeah. So I asked you that 21 you have any understanding and -- and you said 22 yes. So what is your understanding with</p>	<p>80</p> <p>1 BY MR. DIEHL:</p> <p>2 Q. Melissa Riley is a lawyer. Not 3 a doctor, correct?</p> <p>4 <b>A. Correct.</b></p> <p>5 Q. And do you know if Melissa Riley 6 has any scientific training of any kind?</p> <p>7 <b>A. I do not.</b></p> <p>8 Q. Did you, either alone or as part 9 of the committee, consult with anyone that had 10 knowledge about fetal cells and the COVID 11 vaccine as part of your work for the 12 committee?</p> <p>13 <b>A. I did not.</b></p> <p>14 Q. If you could look at Exhibit 17 15 and starting on the first page, if you could 16 read the religious belief comment there.</p> <p>17 <b>A. Starting from, [REDACTED]</b></p> <p>18 [REDACTED]</p> <p>19 Q. Yes.</p> <p>20 <b>A. Okay. [REDACTED]</b></p> <p>21 [REDACTED]</p> <p>22 --</p>

Transcript of [REDACTED]  
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21 (81 to 84)

<p>81</p> <p>1 Q. I'm sorry. I meant for you to</p> <p>2 read to yourself.</p> <p>3 A. Oh, okay.</p> <p>4 Q. And actually, let me ask you a</p> <p>5 question before -- before you do. Where it</p> <p>6 says find attached, did Vax Trax allow</p> <p>7 employees to attach other statements or did</p> <p>8 they have to copy the information into the --</p> <p>9 the Vax Trax system, to your knowledge?</p> <p>10 A. I don't remember.</p> <p>11 Q. Do you remember reviewing any</p> <p>12 documents outside of the Vax Trax system when</p> <p>13 you were reviewing employee's requests?</p> <p>14 A. I don't remember.</p> <p>15 Q. You don't believe that you did</p> <p>16 or you don't remember at all?</p> <p>17 A. I don't remember at all.</p> <p>18 Q. So if you --</p> <p>19 A. I just don't remember if you</p> <p>20 could attach additional information or not. I</p> <p>21 don't remember.</p> <p>22 Q. But do you remember reviewing</p>	<p>83</p> <p>1 A. Okay.</p> <p>2 Q. -- on the second page.</p> <p>3 A. Okay.</p> <p>4 Q. And -- well, let me ask you</p> <p>5 this. With respect to the two questions that</p> <p>6 were asked of -- of employees related to their</p> <p>7 religious exemption requests, did you review</p> <p>8 those two questions independently or did you</p> <p>9 review all of the information together as you</p> <p>10 were evaluating the request in 2021?</p> <p>11 MS. McGRAW: Object to the form.</p> <p>12 THE WITNESS: Independently.</p> <p>13 BY MR. DIEHL:</p> <p>14 Q. Okay. So is the religious</p> <p>15 belief information shown in the religious</p> <p>16 belief comment cell on the first and second</p> <p>17 page of Exhibit 17, is that complete to -- to</p> <p>18 your understanding?</p> <p>19 MS. McGRAW: Object to the form.</p> <p>20 THE WITNESS: What was the</p> <p>21 question? What was the first question?</p> <p>22 Q. The first question that was</p>
<p>82</p> <p>1 any additional information other than</p> <p>2 information that was in the Vax Trax system?</p> <p>3 A. Yes.</p> <p>4 MS. McGRAW: Object to the form.</p> <p>5 THE WITNESS: If they</p> <p>6 resubmitted a second request, there may have</p> <p>7 been different information in the second</p> <p>8 request. I don't remember any attachments.</p> <p>9 BY MR. DIEHL:</p> <p>10 Q. Okay. So if you could read on</p> <p>11 Exhibit 17, starting with, my face started.</p> <p>12 A. To myself?</p> <p>13 Q. Yeah, just read to yourself.</p> <p>14 A. Okay.</p> <p>15 Q. And -- and then just on the</p> <p>16 second page, continue through the end of that</p> <p>17 one cell. That one -- one part of the chart</p> <p>18 there that ends with, I am required to do so.</p> <p>19 A. And stop where?</p> <p>20 Q. The -- the end of the religious</p> <p>21 belief comment, which I understand stops at,</p> <p>22 I'm required to do so --</p>	<p>84</p> <p>1 asked of employees?</p> <p>2 A. Yes.</p> <p>3 Q. I will -- I will -- I'll get --</p> <p>4 I'll find an exhibit on a break. So maybe --</p> <p>5 maybe we'll come back to that, this -- this</p> <p>6 exhibit after the break.</p> <p>7 Let me ask you this. With respect to</p> <p>8 Exhibit 1, while you were reviewing religious</p> <p>9 exemption requests, did you ever depart from</p> <p>10 the process and guidance that was shown on the</p> <p>11 Exhibit 1 in the PowerPoint?</p> <p>12 MS. McGRAW: Object to the form.</p> <p>13 Q. Well, do you know what the word</p> <p>14 depart from means?</p> <p>15 A. Not used.</p> <p>16 Q. Yeah. Did you ever ignore or</p> <p>17 use different criteria than what was -- is</p> <p>18 listed on the PowerPoint in Exhibit 1?</p> <p>19 MS. McGRAW: Object to the form.</p> <p>20 THE WITNESS: I did not.</p> <p>21 BY MR. DIEHL:</p> <p>22 Q. When employees received</p>

Transcript of [REDACTED]  
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22 (85 to 88)

<p>85</p> <p>1 information that their request was denied, 2 did -- to your knowledge, was -- were they 3 told why their request was denied? 4 MS. McGRAW: Object to the form. 5 THE WITNESS: I don't remember. 6 Q. Do you recall ever writing down 7 why you were denying any particular request as 8 you reviewed exempt requests in 2021? 9 <b>A. I do not.</b> 10 Q. So you didn't ever type your 11 answer somewhere or excuse me. I'm going to 12 start that over. 13 So when you made decisions related to 14 religious exemption requests, did you type 15 into a system or write down anywhere why you 16 were denying a request? 17 <b>A. I don't know.</b> 18 Q. Did you take notice regarding 19 your review of religious exemption requests in 20 2021? 21 <b>A. So notes only would have been</b> 22 <b>incorporated into the spreadsheet that was</b></p>	<p>87</p> <p>1 Trax, the system -- the -- the system would 2 only allow the reviewer to put approve, deny, 3 and I believe those were the only two options. 4 BY MR. DIEHL: 5 Q. And I don't want you to tell me 6 its contents, but is there a -- well, as you 7 sit here today, do you recall the specific 8 information of why you review -- let me start 9 that question as a collective question. 10 Do you recall today why you denied or 11 approved individual requests in 2021? 12 <b>A. Repeat the question.</b> 13 Q. Yeah. You -- you denied and -- 14 and approved some requests in 2021 as part of 15 your work for the religious exemption 16 committee, correct? 17 <b>A. Correct.</b> 18 Q. And do you recall why you denied 19 or approved different requests? 20 <b>A. Yes.</b> 21 Q. Why -- why was that? 22 <b>A. Why was what?</b></p>
<p>86</p> <p>1 <b>being used --</b> 2 MS. McGRAW: Okay. I'm going to 3 ask the witness not to disclose any 4 communications or information regarding the 5 spreadsheet that was kept at the direction of 6 counsel and for counsel's use, which is on our 7 privilege log. 8 Q. So I guess I'm not asking about 9 any communications with counsel, but just -- 10 I'm asking about the existence of a fact, 11 whether there is notes somewhere discussing 12 facts related to your review of religious 13 exemptions in 2021? 14 MS. McGRAW: Same objection with 15 respect to the spreadsheet that the witness 16 referenced, which is on our privilege log. I 17 don't want you to tell him anything about the 18 spreadsheet that was kept at Melissa Riley's 19 direction, but if there's something else 20 available, if there's something else you can 21 talk about that. 22 THE WITNESS: Okay. In Vax</p>	<p>88</p> <p>1 Q. I guess what were the reasons 2 you denied or approved requests? 3 <b>A. Because I was a part of the</b> 4 <b>committee.</b> 5 Q. But what was the basis for 6 denying or the basis for approving different 7 requests? 8 MS. McGRAW: Object to the form. 9 THE WITNESS: If the information 10 was incomplete and not -- yeah. If the 11 information was incomplete, then the request 12 would have been denied. Meaning, if they 13 answered the first question, but not the 14 second question, then it would have been 15 denied or vice versa. 16 BY MR. DIEHL: 17 Q. Other than that completeness 18 issue you just discussed, what other reasons 19 were there for denying requests? 20 MS. McGRAW: Object to the form. 21 Calls for speculation. Incomplete 22 hypothetical.</p>

Transcript of [REDACTED]  
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23 (89 to 92)

<p>89</p> <p>1 THE WITNESS: Repeat the</p> <p>2 question, please.</p> <p>3 BY MR. DIEHL:</p> <p>4 Q. You just discussed information</p> <p>5 regarding incompleteness, and that would be</p> <p>6 the reason for denying some requests, correct?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. So other than incompleteness,</p> <p>9 were there other reasons that you denied</p> <p>10 requests in 2021?</p> <p>11 MS. McGRAW: Same objection.</p> <p>12 THE WITNESS: If it didn't -- if</p> <p>13 the request did not demonstrate that it was a</p> <p>14 sincerely held belief.</p> <p>15 Q. And how would you decide whether</p> <p>16 a request was sincerely held or -- let me ask</p> <p>17 that again.</p> <p>18 How would you decide whether a request</p> <p>19 demonstrated a sincerely held belief or it was</p> <p>20 not sincerely?</p> <p>21 MS. McGRAW: Object to the form.</p> <p>22 Calls for speculation. Incomplete</p>	<p>91</p> <p>1 witness.</p> <p>2 MS. McGRAW: You're asking [REDACTED] a</p> <p>3 hypothetical. You're not asking [REDACTED] about any</p> <p>4 specific request.</p> <p>5 MR. DIEHL: I -- [REDACTED] -- I'm</p> <p>6 asking about all of that work. That is not</p> <p>7 hypothetical.</p> <p>8 BY MR. DIEHL:</p> <p>9 Q. So in 2021, you reviewed</p> <p>10 multiple requests?</p> <p>11 <b>A. Yes, I did.</b></p> <p>12 Q. And I believe you testified</p> <p>13 earlier that you recall reasons why you denied</p> <p>14 requests, correct?</p> <p>15 <b>A. Yes, I did.</b></p> <p>16 Q. Okay. So what were those</p> <p>17 reasons other than incompleteness?</p> <p>18 MS. McGRAW: Objection. Asked</p> <p>19 and answered.</p> <p>20 Q. She's going to keep doing that,</p> <p>21 I think, and we might need to get the judge on</p> <p>22 the phone, but I just -- I apologize, but we</p>
<p>90</p> <p>1 hypothetical.</p> <p>2 BY MR. DIEHL:</p> <p>3 Q. Well, let's just ask this</p> <p>4 question. You actually did this in 2021,</p> <p>5 correct?</p> <p>6 <b>A. Yes, I did.</b></p> <p>7 Q. So this isn't a hypothetical, is</p> <p>8 it?</p> <p>9 MR. KIRSNER: Object to the</p> <p>10 form.</p> <p>11 MS. McGRAW: Argumentative.</p> <p>12 MR. DIEHL: Well, I'm with you,</p> <p>13 counsel. You're -- you're objecting to the</p> <p>14 actual --</p> <p>15 MS. McGRAW: The witness --</p> <p>16 MR. DIEHL: You're objecting --</p> <p>17 I'm -- well, I'm trying to lay a foundation</p> <p>18 for your ridiculous objections that are just</p> <p>19 interrupting the -- the flow today --</p> <p>20 MS. McGRAW: My objection is not</p> <p>21 ridiculous.</p> <p>22 MR. DIEHL: -- and confusing the</p>	<p>92</p> <p>1 -- we need to try to power through that until</p> <p>2 we -- counsel stops interrupting. So the --</p> <p>3 I'll -- I'll ask the question again.</p> <p>4 What were reasons that you decided to</p> <p>5 deny requests for religious exemption in 2021</p> <p>6 other than incompleteness?</p> <p>7 MS. McGRAW: Same objection.</p> <p>8 THE WITNESS: So I can answer?</p> <p>9 MS. McGRAW: Yes, you can.</p> <p>10 THE WITNESS: If the information</p> <p>11 was inconsistent with their -- with what they</p> <p>12 had written on -- on the form.</p> <p>13 BY MR. DIEHL:</p> <p>14 Q. Do you recall any example of how</p> <p>15 that would be an issue in a -- in a -- in a</p> <p>16 religious exemption request that you reviewed?</p> <p>17 <b>A. I don't remember.</b></p> <p>18 Q. What -- what do you mean by</p> <p>19 inconsistent with what they had written?</p> <p>20 <b>A. If the employee -- if the</b></p> <p>21 <b>employee indicated that they couldn't take the</b></p> <p>22 <b>vaccine for religious reasons, but also</b></p>



Transcript of [REDACTED]  
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24 (93 to 96)

<p>93</p> <p>1 indicated that they take Aspirin every day, 2 then that would be inconsistent. 3 Q. Did -- did the form, to your 4 knowledge, that employees filled out or 5 questions that they answered ask about 6 Aspirin? 7 A. No, it did not. 8 Q. Why would an employee have 9 reference -- do you -- do you recall any 10 employee referencing Aspirin in their -- in 11 the information that they provided in support 12 of their request? 13 A. I vaguely remember and -- and 14 not just Aspirin. Any other medications or -- 15 yes. I'm -- I'm not a doctor, but any other 16 medications or other medications or pain 17 relief. 18 Q. And -- and why were those -- why 19 was that relevant to your review? 20 A. It was inconsistent. 21 Q. Did employees talk about other 22 medications that they took in their exemption</p>	<p>95</p> <p>1 understand the question. 2 BY MR. DIEHL: 3 Q. Other than we talked about 4 incompleteness and you talked about the issue 5 of other medications, what other issues were 6 relevant to decide whether to approve or deny 7 a request? 8 MS. McGRAW: Objection. Asked 9 and answered. Mischaracterizes prior 10 testimony. You can answer. 11 THE WITNESS: Just sincerely 12 held beliefs. 13 Q. What does -- what does sincerely 14 held mean in the context of your review of 15 religious exemptions in 2021? 16 A. Honesty. Faithfulness to their 17 religion. Profess religion. Exam -- 18 providing examples of their sincerely held 19 religious and how it's applied to their daily 20 life. 21 Q. Anything else? 22 A. Not that I can remember.</p>
<p>94</p> <p>1 requests? 2 A. Some employees did. 3 Q. And those employees that did 4 talk about it, did they say, I don't take any 5 medications? 6 A. An employee may say, I don't 7 take any medications. I've never taken any 8 medications. I do take medication for this or 9 for that. 10 Q. And the fact and it was relevant 11 that those -- well, I guess let me ask you a 12 separate question. 13 The information about whether they take 14 other medications, how is that relevant to 15 your review? 16 A. I don't remember. 17 Q. Was that only relevant to the 18 issue of abortion, or was that relevant to 19 other issues? 20 MS. McGRAW: Objection. Asked 21 and answered. 22 THE WITNESS: I don't -- I don't</p>	<p>96</p> <p>1 Q. Not that you can what? I'm 2 sorry. 3 A. Remember. 4 Q. And so other than the issue of 5 whether beliefs were sincerely held, were 6 there any other issues that you haven't 7 discussed already that were relevant to your 8 review of religious exemption requests? 9 A. No. 10 Q. Do you know if your review of 11 exemption requests was similar to the review 12 that was performed by other members of the 13 religious exemption committee in 2021? 14 A. Can you repeat the question, 15 please? 16 Q. Sure. Do you know if your 17 review of religious exemption requests in 2021 18 was similar to the review that was performed 19 by other members of the committee? 20 A. Yes. 21 Q. Did the committee as a group 22 talk about the criteria that you used for</p>

Transcript of [REDACTED]  
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25 (97 to 100)

<p style="text-align: right;">97</p> <p>1 reviewing exemption requests?</p> <p>2 <b>A. Yes. We talked about the</b></p> <p>3 <b>criteria that was provided within the training</b></p> <p>4 <b>that we received.</b></p> <p>5 Q. And you're referring to</p> <p>6 Exhibit 1, the PowerPoint?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Was there any other training</p> <p>9 besides the PowerPoint that you and the</p> <p>10 committee considered as part of your review of</p> <p>11 religious exemption requests?</p> <p>12 <b>A. No.</b></p> <p>13 Q. And to your knowledge, did other</p> <p>14 members of the committee use the same criteria</p> <p>15 that -- that was set forth in the PowerPoint</p> <p>16 Exhibit 1? Yes? Sorry. I just trailed off</p> <p>17 there.</p> <p>18 To your knowledge, did other members of</p> <p>19 the committee also use the criteria that was</p> <p>20 provided in the PowerPoint Exhibit 1 for their</p> <p>21 review of exemption requests in 2021?</p> <p>22 <b>A. Yes.</b></p>	<p style="text-align: right;">99</p> <p>1 because of their faith?</p> <p>2 <b>A. I am aware. Yes.</b></p> <p>3 Q. And is that a common belief held</p> <p>4 by Seventh-day Adventist?</p> <p>5 MS. McGRAW: Object to the form.</p> <p>6 THE WITNESS: I don't know.</p> <p>7 BY MR. DIEHL:</p> <p>8 Q. You don't know how many -- let</p> <p>9 me ask you this. Separate question.</p> <p>10 Do you know Seventh-day Adventist that</p> <p>11 don't take medication?</p> <p>12 <b>A. Yes, I do.</b></p> <p>13 Q. And those that you know, do they</p> <p>14 do so because of their faith?</p> <p>15 MS. McGRAW: Object to the form.</p> <p>16 Calls for speculation.</p> <p>17 THE WITNESS: Yes.</p> <p>18 Q. Do you know why Seventh-day</p> <p>19 Adventist isn't listed on slide 13 of</p> <p>20 Exhibit 1?</p> <p>21 <b>A. I do not know.</b></p> <p>22 Q. When the committee -- how often</p>
<p style="text-align: right;">98</p> <p>1 Q. If you could turn to page 13 of</p> <p>2 Exhibit 1. Do you see at the bottom there is</p> <p>3 a -- some bullet points that list certain</p> <p>4 faiths or denominations. Do you see those?</p> <p>5 <b>A. I'm reading now. Yes.</b></p> <p>6 Q. And do you know where that list</p> <p>7 came from?</p> <p>8 <b>A. I do not.</b></p> <p>9 Q. Do -- do you have any idea how</p> <p>10 University of Virginia came up with these</p> <p>11 specific denominations or faiths to list</p> <p>12 there?</p> <p>13 <b>A. I do not.</b></p> <p>14 Q. How long have you been a</p> <p>15 Seventh-day Adventist?</p> <p>16 <b>A. Twenty-seven years.</b></p> <p>17 Q. Do you eat -- do you eat meat?</p> <p>18 <b>A. I do not.</b></p> <p>19 Q. Do you take medications?</p> <p>20 <b>A. I do.</b></p> <p>21 Q. Do you understand that some</p> <p>22 Seventh-day Adventist don't take medications</p>	<p style="text-align: right;">100</p> <p>1 did the committee meet in 2021?</p> <p>2 <b>A. I don't remember.</b></p> <p>3 Q. Was it -- was it to my</p> <p>4 understanding that there was an announcement</p> <p>5 in August regarding the COVID vaccination</p> <p>6 requirement in August of 2021. Is that</p> <p>7 consistent with -- with your memory?</p> <p>8 <b>A. I don't remember.</b></p> <p>9 Q. Well, if we -- if we assume it</p> <p>10 was August and then as my understanding that</p> <p>11 the -- the deadline for vaccination was in</p> <p>12 November of 2021. Do you -- do you recall</p> <p>13 that?</p> <p>14 <b>A. I don't remember.</b></p> <p>15 Q. Well, if you just assume that</p> <p>16 for the sake of these questions, during that</p> <p>17 period when the vaccine requirement when --</p> <p>18 when the -- during this period when -- after</p> <p>19 the vaccination requirement had been</p> <p>20 announced, but before the deadline when</p> <p>21 individuals had to be vaccinated, that's when</p> <p>22 most of the requests were reviewed by the</p>

Transcript of [REDACTED]  
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26 (101 to 104)

101  
1 committee and members of the committee,  
2 correct?  
3 **A. I don't remember.**  
4 **Q. Do you remember meeting on a**  
5 **weekly basis for some period of time with**  
6 **other members of the committee?**  
7 **A. Yes.**  
8 **Q. And who was present at those**  
9 **meetings?**  
10 **A. [REDACTED]**  
11 **[REDACTED] Those were the**  
12 **committee members.**  
13 **Q. Was there anyone other than the**  
14 **committee members present at those regular**  
15 **committee meetings?**  
16 **A. Melissa Frederick and Melissa**  
17 **Riley.**  
18 **Q. What was Melissa Frederick's**  
19 **role with respect to the exemption, religious**  
20 **exemption review committee in 2021?**  
21 **A. What was her role as the senior**  
22 **director?**

102  
1 **Q. Well, yeah. I guess with**  
2 **respect to the committee itself. Did she have**  
3 **a role in the committee or on the committee in**  
4 **any way?**  
5 **A. No, she did not.**  
6 **Q. Did she provide guidance to**  
7 **members of the committee?**  
8 **A. She may have coordinated the**  
9 **meetings, but in terms of what type of**  
10 **guidance. Maybe I just don't understand the**  
11 **question.**  
12 **Q. Well, when the committee got**  
13 **together --**  
14 **A. Uh-hum.**  
15 **Q. -- the committee would discuss**  
16 **different requests for religious exemption,**  
17 **correct?**  
18 **A. Correct.**  
19 **Q. And as part of those**  
20 **discussions, did Melissa Frederick**  
21 **participate?**  
22 **A. No, she did not participate.**

103  
1 **Q. She was -- was she more of an**  
2 **observer?**  
3 **A. An observer. If we had**  
4 **additional questions maybe for guidance, but**  
5 **she was not responsible for reviewing**  
6 **religious exemptions.**  
7 **Q. What type of guidance did**  
8 **Melissa Frederick provide?**  
9 **A. What type of guidance? I don't**  
10 **remember. I don't remember.**  
11 **Q. Do you know if Melissa Fredrick**  
12 **took notes during the meetings?**  
13 **A. I don't remember. Not that I'm**  
14 **aware of. I don't remember.**  
15 **Q. If you could go to slide 17 of**  
16 **Exhibit 1. And -- and I want to ask you about**  
17 **the information after paragraph five. What do**  
18 **you recall about the operations being involved**  
19 **in the exemption process?**  
20 **A. I don't know what operations.**  
21 **Q. Okay. Do you know if someone --**  
22 **well, let me ask you this. When it says the**

104  
1 **designated HRBP panelist, that would be a**  
2 **member of the committee, correct?**  
3 **A. Correct.**  
4 **Q. So that would be you or [REDACTED]**  
5 **[REDACTED] or the other members of the committee?**  
6 **A. Yes.**  
7 **Q. So did you forward information**  
8 **about approving any religious exemption to**  
9 **operations?**  
10 **A. I did not.**  
11 **Q. Was that --**  
12 **A. So if it was approved or denied,**  
13 **that was indicated in Vax Trax. If it was**  
14 **routed to another individual to determine**  
15 **I -- I don't know. So I -- I was not**  
16 **responsible for determining if it was -- pose**  
17 **undue hardship. I checked.**  
18 **Q. Let me ask you this. If you go**  
19 **back to slide 15, that's -- and -- and you can**  
20 **also look at slide 14, but that we've already**  
21 **looked at that with respect to the process.**  
22 **The -- the first bullet point there, if the**



Transcript of [REDACTED]  
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27 (105 to 108)

105  
1 exemption request fits within a known category  
2 and then it continues and ends with the  
3 exemption will be approved by the designated  
4 HRBP panelist. Do you see that?  
5 A. Yes.  
6 Q. And that's referring to the HRBP  
7 panelist's individual review before the  
8 committee review?  
9 A. Yes.  
10 MS. McGRAW: Object to the form.  
11 Q. That's yes?  
12 A. Yes.  
13 Q. And so because then if you look  
14 two bullets down, it says all other requests  
15 should be forwarded to the committee for  
16 discussion. Do you see that?  
17 A. Yes.  
18 Q. So those requests the -- the --  
19 those that fit within a known category, the  
20 -- those weren't forwarded to the rest of the  
21 committee; is that correct?  
22 MS. McGRAW: Object to the form.

106  
1 Mischaracterizes.  
2 THE WITNESS: If the request  
3 with -- was within a known category, but was  
4 not complete, then it would be denied, then it  
5 would be denied. So if they listed in the  
6 known category, but it was not complete and  
7 demonstrated sincerely held religious, then it  
8 may have been denied.  
9 BY MR. DIEHL:  
10 Q. So, if a request was complete  
11 and referenced a known category, then the  
12 exemption would be approved by the committee  
13 member?  
14 MS. McGRAW: Object to the form.  
15 Mischaracterizes the document.  
16 THE WITNESS: If it demonstrated  
17 -- if it demonstrated in that -- if -- yeah,  
18 if it -- ask me again.  
19 Q. Sure.  
20 A. Every time that happens then  
21 I --  
22 Q. So just maybe it's helpful to go

107  
1 back to page 14 just to kinda walk through  
2 those. And if you could read one, two and  
3 three there on slide 14 of Exhibit 1.  
4 A. Okay.  
5 Q. And -- and I'm going to shorten  
6 these just to walk through them more quickly,  
7 but tell me if I get anything wrong. The team  
8 member, the employee, submits the exemption  
9 request, and that's in Vax Trax --  
10 A. Correct.  
11 Q. -- then that's assigned to you  
12 somehow as a member of the committee, correct?  
13 A. Yes.  
14 Q. And then you review the request.  
15 That's the first step?  
16 A. Yes.  
17 Q. For your work on -- as part of  
18 the committee?  
19 A. Yes.  
20 Q. Then -- and then turning to page  
21 15, if the exemption request fits within a  
22 known category and then if the request is also

108  
1 complete, then that would be approved by you  
2 as a committee member, correct?  
3 MS. McGRAW: Object to the form.  
4 Mischaracterizes the document that you're  
5 reading from.  
6 THE WITNESS: I don't remember.  
7 BY MR. DIEHL:  
8 Q. Well, did you do anything  
9 different than what is said on the form here?  
10 Or excuse me, I shouldn't say form. Did you  
11 do anything different than what's said on page  
12 15 of Exhibit 1?  
13 A. No.  
14 Q. And -- and so I guess asked  
15 another way in case I had too many negatives  
16 in there. You followed the exemption process  
17 that was set forth on page 15 of Exhibit 1?  
18 A. Yes.  
19 Q. And so -- and -- and you  
20 mentioned completeness. Is -- does that mean  
21 answering both of the questions?  
22 MS. McGRAW: Object to the form.



Transcript of [REDACTED]  
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28 (109 to 112)

109  
1 Asked and answered.  
2 THE WITNESS: Yes.  
3 BY MR. DIEHL:  
4 Q. So then if we go to the next  
5 part of the process that's discussed on page  
6 16 of Exhibit 1, the committee, this committee  
7 consideration that's discussed here on -- on  
8 slide 16, that's when the committee would meet  
9 and talk together about exemption requests; is  
10 that correct?  
11 A. Yes.  
12 Q. Do you recall any exemption  
13 requests that were approved as a result of the  
14 committee's consideration?  
15 A. I don't remember.  
16 Q. You don't recall that any  
17 were -- were approved?  
18 MS. McGRAW: Object to the form.  
19 Q. Is that correct?  
20 MR. KIRSNER: Object to the  
21 form.  
22 THE WITNESS: Yes. There were

110  
1 some exemptions that were approved.  
2 BY MR. DIEHL:  
3 Q. Can you describe the committee's  
4 consideration or discussion?  
5 MS. McGRAW: Object to the form.  
6 Q. Well, just to break it down.  
7 The committee's consideration, would that  
8 involve discussing the request?  
9 A. Yes.  
10 Q. And the criteria that are listed  
11 here on Exhibit 16, there's bullet points  
12 there. Do you see those?  
13 A. Yes.  
14 Q. I guess it calls them factors,  
15 but when I say criteria, I mean factors. Does  
16 that make sense?  
17 A. Yes.  
18 Q. Okay. So the factors here that  
19 are listed, the committee would -- would  
20 review and discuss those factors, correct?  
21 A. Yes.  
22 Q. And then the committee -- how

111  
1 would the committee make decisions?  
2 A. The committee would make  
3 decisions based on what was written on the  
4 religious request.  
5 Q. Well, was -- how would -- how  
6 would the committee decide whether it had  
7 reached a decision?  
8 A. I don't remember.  
9 Q. Was there a vote? Did you vote  
10 on them?  
11 A. I don't remember.  
12 Q. Do you remember if there was  
13 just a consensus that that kind of came about  
14 during a conversation based on comments?  
15 A. Consensus, yes.  
16 Q. And then if you turn to slide 17  
17 of Exhibit 1, I asked you about this -- this  
18 step five in the exemption process, but just  
19 to make sure I recall correctly, you don't  
20 know of any request that you forwarded as a  
21 designated HRB panelist to operations?  
22 A. In the Vax Trax system you could

112  
1 indi -- indicate approve or deny or need  
2 additional information. After you indicated  
3 that, I don't know where the form went. I  
4 don't know.  
5 Q. And if you indicated needs more  
6 information, is it your understanding that the  
7 employee would receive a notification that  
8 there was a need for more information?  
9 A. Yes.  
10 Q. Entering into Vax Trax as I read  
11 slide 17, is that -- that's step six. Is that  
12 what -- is that your understanding?  
13 A. Yes.  
14 Q. If the team members submitted  
15 additional information as referenced on step  
16 seven there, what happened then?  
17 A. Then the request would be -- so  
18 the team member would only submit additional  
19 information if their request was denied, or  
20 the team member could provide additional  
21 information if they wanted any -- any  
22 information that they wanted to with their



Transcript of [REDACTED]  
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29 (113 to 116)

113  
1 request.  
2 Q. How would they know what  
3 additional information they needed to submit?  
4 Do you know?  
5 MS. McGRAW: Object to the form.  
6 THE WITNESS: No, I don't know.  
7 BY MR. DIEHL:  
8 Q. Did the committee explain when  
9 it denied an exempt request? Did it explain  
10 to the employee the reasons for the denial?  
11 MS. McGRAW: Object to the form.  
12 THE WITNESS: I don't remember.  
13 Q. Did -- did you, as an individual  
14 member of the committee, did you provide any  
15 explanation to employees who were denied as to  
16 why their request for religious exemption was  
17 denied?  
18 MS. McGRAW: Object to the form.  
19 THE WITNESS: No, I did not.  
20 BY MR. DIEHL:  
21 Q. And do you recall that some  
22 exemption requests were denied because there

114  
1 was information missing?  
2 MS. McGRAW: Object to the form.  
3 THE WITNESS: I don't remember.  
4 Q. If we go back to slide 16 in  
5 Exhibit 1, one of the criteria that's listed  
6 is how long the team member -- and I'm adding  
7 team member for today, but how long the team  
8 member has held the belief. Do you see that?  
9 A. Yes.  
10 Q. Were there any requests where  
11 the employee did not discuss how long they'd  
12 held the belief?  
13 MS. McGRAW: Object to the form.  
14 THE WITNESS: I don't remember.  
15 BY MR. DIEHL:  
16 Q. If an employee had not addressed  
17 any one of these -- the issues discussed in  
18 any of these bullet points on page 16 of  
19 Exhibit 1, were they informed that they had  
20 not addressed an issue that was important to  
21 the committee's consideration?  
22 A. I don't remember.

115  
1 Q. And then you don't remember, you  
2 don't remember, but they might have been or  
3 you don't believe that they were informed of  
4 information, specific information that was  
5 missing?  
6 A. They were informed if the form  
7 was not completed. Was not complete if they  
8 had not answered the two questions that were  
9 asked.  
10 Q. If they answered both questions,  
11 but they hadn't addressed these factors that  
12 are referenced on slide 16, would they be  
13 informed of that information, that what --  
14 what was missing with respect to the factors  
15 listed on slide 16?  
16 A. I don't remember.  
17 Q. You don't believe so or you  
18 don't recall they might have been?  
19 A. I don't -- I don't remember.  
20 I -- I don't remember.  
21 Q. The communications that  
22 employees received related to the religious

116  
1 exemption requests in 2021 were through the  
2 Vax Trax system, correct?  
3 A. Correct.  
4 Q. And so if there was information  
5 that was communicated to them about their  
6 denial, that would have been provided to them  
7 through the Vax Trax system?  
8 A. Yes.  
9 Q. Back to step seven on slide 17,  
10 the next page, I believe. If -- if a team  
11 member submitted information -- I'm sorry.  
12 You may have answered this, but what would  
13 happen if a team member submitted additional  
14 information in response to a denial?  
15 A. They would reenter their  
16 request.  
17 Q. And then that request would --  
18 would --- what would happen with the request  
19 after they put any information into the Vax  
20 Trax system?  
21 A. Their request would be reviewed  
22 again.



Transcript of [REDACTED]  
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30 (117 to 120)

117  
1 Q. And it would -- who would be  
2 reviewed by?  
3 A. It randomly is assigned to  
4 someone on the committee.  
5 Q. Do you know if it was assigned  
6 to the same vaccine committee member that  
7 reviewed their -- their exemption request the  
8 first time?  
9 A. I don't remember.  
10 Q. When you were reviewing requests  
11 in 2021 as part of the committee, do you  
12 recall reviewing additional information  
13 submitted by an employee for an exemption  
14 request that you had previously reviewed?  
15 A. I don't remember.  
16 Q. You might have or you don't  
17 remember ever doing that?  
18 MS. McGRAW: Objection. Asked  
19 and answered.  
20 THE WITNESS: I don't remember.  
21 It's 2021. I -- I don't remember.  
22 BY MR. DIEHL:

118  
1 Q. As you were a member of the  
2 committee, what did you understand the  
3 consequence to be if an employee failed to  
4 comply with the COVID vaccine requirement and  
5 they were not granted an exemption?  
6 A. The employee may be terminated  
7 from their role.  
8 Q. Did you -- did you think about  
9 that as part of your work on the exemption  
10 committee?  
11 A. Think about what?  
12 Q. Well, the potential consequences  
13 for the employee if their request was denied?  
14 A. I don't remember.  
15 Q. It wasn't something that was  
16 important to your review?  
17 MS. McGRAW: Objection to form.  
18 THE WITNESS: I -- I don't  
19 remember.  
20 BY MR. DIEHL:  
21 Q. Was this -- was this being a  
22 part of this committee, was this a big part of

119  
1 your job in terms of the time that it took in  
2 2021 while the committee was meeting?  
3 A. Rephrase that.  
4 Q. How many hours -- what was your  
5 normal work schedule in 2021?  
6 A. I don't remember.  
7 Q. Did you work full time?  
8 A. Yeah, full-time employee.  
9 Q. Okay. So did you work more than  
10 40 hours or less than 40 hours or around 40  
11 hours a week?  
12 A. More than 40 hours.  
13 Q. And do you recall how much of a  
14 workweek in the fall of 2021 did you spend  
15 working on the exemption committee and your --  
16 and your duties related to that as opposed to  
17 your normal duties?  
18 A. I don't remember.  
19 Q. Would you remember if it was the  
20 majority of your time?  
21 A. I don't remember. I -- I cannot  
22 tell you how many hours per week that was

120  
1 dedicated to reviewing religious exemptions.  
2 Q. I guess I'm not asking for a  
3 number of hours.  
4 A. Or time.  
5 Q. Do you know that if it was more  
6 than half your time?  
7 A. I don't remember.  
8 Q. Was it more than one day a week  
9 during the fall of 2021?  
10 MS. McGRAW: Object to the form.  
11 THE WITNESS: Yes.  
12 Q. And do you know -- do you recall  
13 if it was your work for the exemption  
14 committee in the fall of 2021 was more than  
15 two days of work per week?  
16 A. I don't remember.  
17 Q. So some -- some amount between  
18 one and two days?  
19 A. More than one day.  
20 Q. But it could have been more than  
21 two days per week?  
22 A. I don't remember.



Transcript of [REDACTED]  
Conducted on August 28, 2024

31 (121 to 124)

121  
1 Q. And as you sit here today, you  
2 don't remember whether you thought about  
3 employees who might be fired if their requests  
4 were denied while you were doing that work for  
5 the committee?  
6 A. I don't remember.  
7 Q. But you're aware that that was a  
8 possibility if requests were denied?  
9 A. I was aware. Yes, I was aware.  
10 MR. DIEHL: Maybe a good time  
11 for lunch?  
12 MS. McGRAW: Yeah.  
13 (Off the record.)  
14 BY MR. DIEHL:  
15 MR. DIEHL: So we just took  
16 lunch and we're back on the record. I'm going  
17 to ask -- obviously continue the deposition,  
18 but I just want to put on the record that I'm  
19 concerned about counsel's behavior and  
20 improper objections during the morning that  
21 appear designed to impact the witness'  
22 testimony and seem to have, in fact, impacted

122  
1 the testimony at certain points. And so I  
2 note that for the record and I hope that such  
3 behavior will stop in the afternoon.  
4 MS. McGRAW: I assume that's  
5 directed to me, and I would say that there's  
6 nothing improper about the objections. It's  
7 required that you make the objection on the  
8 record when they're waived. Tried to limit  
9 the objections to form, which is what I asked  
10 you to do during your chance at defending a  
11 deposition and you refused.  
12 MR. DIEHL: Done?  
13 MS. McGRAW: Yes.  
14 BY MR. DIEHL:  
15 Q. All right. We talked briefly  
16 about a spreadsheet that included the reasons  
17 why requests were denied. Do you recall that  
18 testimony from this morning?  
19 MS. McGRAW: Object to the form.  
20 Mischaracterizes.  
21 THE WITNESS: Yes.  
22 BY MR. DIEHL:

123  
1 Q. So there was a spreadsheet that  
2 exists that was created in 2021 that includes  
3 the reasons why members of the committee  
4 denied particular request for exemption  
5 submitted by employees; is that correct?  
6 A. No. The spreadsheet --  
7 MS. McGRAW: I'm going to stop  
8 you.  
9 THE WITNESS: Okay.  
10 MS. McGRAW: And he may  
11 disagree, but I do not want you to disclose  
12 anything about a spreadsheet that was created  
13 and maintained at the direction of counsel.  
14 It's on our privilege.  
15 MR. DIEHL: I don't have your  
16 privilege log.  
17 MS. McGRAW: You do have my  
18 privilege log.  
19 BY MR. DIEHL:  
20 Q. With respect to -- well, counsel  
21 has instructed you not to answer about a  
22 spreadsheet or the contents of the

124  
1 spreadsheet. Are you going to follow that  
2 instruction?  
3 A. Yes.  
4 Q. And just want to be clear. I'm  
5 asking you about a spreadsheet that was  
6 referenced earlier that included, you know,  
7 notations or information regarding the reason  
8 why different employee exemption requests were  
9 denied. Do you understand that's what I'm  
10 talking about?  
11 A. I understand that's what you're  
12 talking about.  
13 Q. And are you going to follow  
14 counsel's instruction not to discuss that  
15 spreadsheet?  
16 MS. McGRAW: I think you just  
17 cut her off.  
18 Q. Sorry. I didn't mean to. Go  
19 ahead.  
20 A. Yes. I'm going to follow  
21 counsel's instructions.  
22 Q. Mark another exhibit. What



Transcript of [REDACTED]  
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32 (125 to 128)

125  
1 number are we on?  
2 THE REPORTER: Eighteen.  
3 [REDACTED] 18, (Highly  
4 Confidential)-Email sent on 9.3.2021-from  
5 Qualtrics Religious Exemption to UVA HR Health  
6 Screenings-Pre-Hire Religious Request, marked  
7 for identification.)  
8 Q. Do you recognize Exhibit 18?  
9 MR. KIRSNER: Do you have an  
10 additional copy?  
11 MS. McGRAW: Oh, I'm sorry.  
12 It's one big stack.  
13 MR. KIRSNER: Appreciate it.  
14 THE WITNESS: I don't remember  
15 this.  
16 BY MR. DIEHL:  
17 Q. Now, it looks like on its face,  
18 do you see that this is an email sent on  
19 September 3rd, 2021?  
20 A. Yes.  
21 Q. And do you know what Qualtrics  
22 Vaccine Exemption, what that references?

126  
1 A. I do not.  
2 Q. And then it says, it's two UVA  
3 HR health screenings, and then there's an  
4 email address of  
5 uvahrhealthscreening@virginia.edu. Do you --  
6 do you recognize that email address?  
7 A. I do not.  
8 Q. Do you know -- are you aware  
9 that applicants who submitted requests for  
10 religious exemption related to the job they're  
11 applying for, that information was submitted  
12 through the Qualtrics system?  
13 A. I do not.  
14 Q. Do you recall reviewing any  
15 exemption requests in 2021 as part of your  
16 work for the committee related to an  
17 applicant?  
18 A. No, I do not.  
19 Q. And, again, there's information  
20 that's been redacted that, for example, where  
21 it says requester information and then there's  
22 a number 126 at the bottom. I'm just

127  
1 representing, counsel, to confirm that that  
2 was provided by or that was done by UVA's  
3 lawyers related to this case. So that number  
4 126 at the top and that requester information  
5 wasn't there. Do you understand that?  
6 A. I don't see where you're  
7 referring to 126.  
8 Q. At the very top in the left hand  
9 corner of the document.  
10 A. Yes.  
11 Q. So, yeah, that number -- I  
12 understand that number was added by UVA's  
13 lawyers, and then as where the boxes here that  
14 say requester information, does that -- does  
15 that make sense to you?  
16 A. That it was added?  
17 Q. Yes.  
18 A. Yes.  
19 Q. Okay. And then if you go down,  
20 there's a list of -- of questions here, and  
21 I'm just going to point you to the question.  
22 Actually, question two on the first page of

128  
1 Exhibit 18. Do you see that Q2?  
2 A. Yes.  
3 Q. And it says, please select the  
4 exemption you're requesting, and then it says  
5 religious there. And do you understand -- do  
6 you understand what this information is after  
7 reviewing that question or the others in this  
8 Exhibit 18?  
9 MS. McGRAW: Object to the form.  
10 THE WITNESS: Yes. I -- I see  
11 what the form is. What it entails.  
12 Q. And what -- where did these  
13 questions come from?  
14 MS. McGRAW: Object to the form.  
15 Go ahead.  
16 THE WITNESS: This form is used  
17 for team members, which are UVA Health  
18 employees. So I am not familiar with this  
19 form.  
20 BY MR. DIEHL:  
21 Q. So but the questions themselves,  
22 do you understand that the -- do you have any



Transcript of [REDACTED]  
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33 (129 to 132)

129

131

1 reason -- well, it's my understanding that the  
2 questions here are, where it says Q1, or  
3 excuse me. It says Q4 on the first page of  
4 Exhibit 18, and then the -- the -- then it  
5 goes down to Q14 on the second page that has  
6 Bates labeled 6765. Do you see that?

7 A. Yes.

8 Q. And I'm not talking about the  
9 information in -- below the question, but the  
10 bold questions or -- or requests related to  
11 right after the Q and then there's a number.  
12 Do you understand that information is the  
13 information that UVA required employees to  
14 provide when they were seeking a religious  
15 exemption request?

16 MS. McGRAW: Object to the form.  
17 Mischaracterizes.

18 THE WITNESS: Yes.

19 BY MR. DIEHL:

20 Q. So we were looking earlier at  
21 Exhibit 17, the Vax Trax printout. Tell me  
22 when you've got that in front of you. And

1 question that was posed related to religious  
2 belief comment on Exhibit 17?

3 MS. McGRAW: Object to the form.

4 THE WITNESS: Exhibit 18 is not  
5 a document that I am familiar with. This --  
6 I'm not familiar with this document. It was  
7 not used by the committee. The committee used  
8 Exhibit 17. I am not familiar with the UVA.  
9 I mean, with the Qualtrics form.

10 Q. So I'm not -- I guess I'm not  
11 asking about the whole form. I'm just asking  
12 about Q12.

13 A. Okay.

14 Q. That's listed on the second page  
15 of Exhibit 18.

16 A. Yes.

17 Q. So read Q12. Just the bold  
18 portion, please, and tell me when you're done  
19 reading that.

20 A. I'm done.

21 Q. Okay. Does that refresh --  
22 we're just reading Q12 on the second page of

130

132

1 then at the bottom of the first page where it  
2 says religious belief comment.

3 A. On which document? On 18?

4 Q. On Exhibit 17.

5 A. Okay.

6 Q. And then you see on the first  
7 page the bottom row where on the left it says  
8 religious belief comment?

9 A. On Exhibit 18?

10 Q. Exhibit 17.

11 A. Yes.

12 Q. Yes. So you see religious  
13 beliefs comment at the bottom left of Exhibit  
14 17? Page --

15 A. Yes.

16 Q. And then if you go to Exhibit 18  
17 and go to the second page that has a Bates  
18 label at the bottom of 6765. And then if you  
19 could look at Q12. Do you see that?

20 A. Yes, I do.

21 Q. And do you understand that Q12  
22 was listed in bold on Exhibit 18 is the

1 Exhibit 18. Refresh your memory regarding  
2 what question employees answered when they  
3 filled out the information on Vax Trax related  
4 to religious belief comment such as at the  
5 bottom of the first page of Exhibit 17?

6 A. Yes.

7 Q. And so the -- so the bold  
8 language next to Q12 is the -- the religious  
9 belief comment question?

10 A. Because -- because the question  
11 is not listed, so what I don't know is the  
12 religious belief comment and -- and Q12 are --  
13 are related. In that -- since the question --  
14 there isn't a question above religious belief  
15 comment. Since the question isn't above it, I  
16 am not sure that that is the question, that  
17 Exhibit 17. I don't know that there's a  
18 correlation because I don't see a question  
19 before it. Are you -- unless you are --  
20 unless you are saying that exhibit -- Exhibit  
21 18 is the information that it coincides with  
22 Exhibit 17. I would need to know the



Transcript of [REDACTED]  
Conducted on August 28, 2024

34 (133 to 136)

133

1 **correlation. Does that -- am I making sense?**  
2 Q. Well, I guess I'm not saying  
3 anything. I'm trying to ask you and I was  
4 trying to refresh your recollection of what  
5 the question was that UVA posed related to the  
6 religious belief comment portion of the -- of  
7 the form, of the Vax Trax form or what was --  
8 excuse me. What employees were prompted to  
9 respond to when they're filling out that form?  
10 A. Yeah. So Vax -- Vax Trax and  
11 Qualtrics are two different tools. So you're  
12 saying that you have a Qualtrics form and then  
13 I'm looking at a Vax Trax form. And what I'm  
14 saying is I don't know if those two are  
15 relative to each other because the information  
16 that you provided in Exhibit 17, I understand  
17 that all the filters are not there, so.  
18 Q. Would you have an understanding  
19 that the questions that were asked of  
20 applicants related to requests for exemption,  
21 do -- do you know if those questions were  
22 different than the questions that were posed

134

1 to employees who filled out and provided  
2 information in the Vax Trax system?  
3 A. I do not know. I was not on  
4 that review. I didn't review pre-hire  
5 religious request.  
6 Q. If you could look at Q13 on the  
7 second page of Exhibit 18. Just talking about  
8 the bold information there that says, please  
9 describe why this principle tenant or belief  
10 conflicts with or precludes you from receiving  
11 a vaccination, immunization, et cetera. While  
12 it is from the Qualtrics system, does that --  
13 reading that Q13 on the second page of Exhibit  
14 18, does that your -- does that refresh your  
15 memory with respect to what employees were  
16 prompted to provide with respect to the  
17 religious conflict comment portion of the Vax  
18 Trax system?  
19 A. Yes.  
20 Q. And so that religious conflict  
21 box on the left side of the second page of  
22 Exhibit 17 where it says religious conflict

135

1 comment all thrown together there. Do you see  
2 that?  
3 A. Yes.  
4 Q. So employees would be responding  
5 to the question or request posed by Q13 on the  
6 second page of Exhibit 18?  
7 A. I -- I don't understand. Can  
8 you rephrase? So I'm -- I'm sensing your  
9 frustration.  
10 Q. No. No. I'm just trying to  
11 understand how to -- how to ask the question.  
12 A. Well --  
13 Q. You just don't remember the  
14 questions that were asked at all? In -- in --  
15 A. No.  
16 Q. -- in the prompt, sorry. That  
17 prompted employees to fill out the religious  
18 belief comment and religious conflict comment  
19 on the Vax Trax system?  
20 A. So on Exhibit 18, Q12 and Q13,  
21 yes. Those are the questions. However, you  
22 have provided Exhibit 17, a document that it

136

1 says religious belief comment. It -- it does  
2 not tell me that that is related to Q12 and  
3 one is related to Q13. That's all I'm saying.  
4 I'm -- I'm comparing.  
5 Q. Yeah. I'm not asking you to --  
6 to -- to testify that -- that Q18, Exhibit 18,  
7 you know, specifically talks about that. I'm  
8 just trying to use those questions that are  
9 listed there to refresh your memory about what  
10 questions were posed to employees so that they  
11 would then fill out the religious belief  
12 comment and religious conflict comment in the  
13 Vax Trax system. So does that explain, I  
14 guess --  
15 A. Yes.  
16 Q. -- does that make sense?  
17 A. Yes, it does.  
18 Q. Okay. So with that preface and  
19 knowing it was in a different system, does the  
20 bold language next to Q12 on the second page  
21 of Exhibit 18, is that the language that  
22 prompted employees to fill out the religious



Transcript of [REDACTED]  
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35 (137 to 140)

137  
1 belief comment information in Vax Trax?  
2 A. Yes.  
3 Q. And with respect to Q13 and just  
4 the bold language right after Q13 on Exhibit  
5 18, does that refresh your memory that that  
6 bold language, that sentence, is that the  
7 prompt that employees were given through the  
8 Vax Trax system when they had to fill out the  
9 religious conflict comment box?  
10 A. Yes.  
11 Q. Do you recall whether when --  
12 when you filled out information in the Vax  
13 Trax system, did you put your initials when --  
14 when you performed an action, did you -- did  
15 you put -- type your initials into the Vax  
16 Trax system?  
17 A. I don't remember.  
18 Q. I haven't seen it and obviously  
19 I -- I just -- in the documents that were  
20 produced, but do you know if there's some  
21 other way to determine which religious  
22 exemption requests were assigned to you?

138  
1 Never mind. Strike that.  
2 Do you know if there's a document that  
3 exists that shows what your ID number was in  
4 the Vax Trax system?  
5 A. Is there a document -- I'm  
6 sorry. Can you repeat the question?  
7 Q. Sure. So if you go take Exhibit  
8 17 from the Vax Trax system, and if you go to  
9 the page that has the number at the bottom of  
10 3040 and -- and do you see at the bottom  
11 there's a new table that begins with the black  
12 separator bar there that has S-T-R-U-C-T-M.  
13 Do you see that?  
14 A. Yes.  
15 Q. And then going to three boxes  
16 down it says change by ID?  
17 A. Yes.  
18 Q. It's my understanding that the  
19 number listed by the change by ID is the -- is  
20 the employee that changed the information or  
21 did something in Vax Trax. Is that your  
22 understanding?

139  
1 A. I don't know. I don't remember.  
2 Q. And you don't -- as you sit  
3 here, you don't remember if 17192 was your Vax  
4 Trax's ID number?  
5 A. No.  
6 Q. And then if you continue with  
7 the table that begins on 3040, if you continue  
8 down and you see that table continues on 3041,  
9 3042, and then there's a break in between  
10 tables on 3043. Do you see that?  
11 A. Yes.  
12 Q. And then there's a religious  
13 review comment. Do you see that box at the  
14 top of Bates label, page 3043 in Exhibit 17?  
15 A. Yes.  
16 Q. And it has the dear applicant.  
17 Do you see the language there?  
18 A. Yes.  
19 Q. Now, I've seen some of these.  
20 I'll just represent to you that I've seen some  
21 of these that have an initial after this  
22 communication and some that don't.

140  
1 MS. McGRAW: Objection to the  
2 mischaracterization.  
3 MR. DIEHL: Well, you know,  
4 counsel, you were there yesterday and you  
5 looked at them. So what am I misrepresenting?  
6 MS. McGRAW: I think [REDACTED] was  
7 clear that you saw initials when it was in the  
8 admin comment field.  
9 BY MR. DIEHL:  
10 Q. If you go to the last page of  
11 Exhibit 17, there's a -- there's a religious  
12 review comment that is the second to last row  
13 on the left, and then there's a religious  
14 admin comment. Do you know what the  
15 difference is between those two boxes? Box --  
16 excuse me. Do you know what the difference --  
17 well, let me just ask that again. I use --  
18 missed my verbs on it.  
19 Do you know of any differences between  
20 what the religious review comment information  
21 is and the religious admin comment information  
22 is?



Transcript of [REDACTED]  
Conducted on August 28, 2024

36 (141 to 144)

141  
1 A. I don't remember. So the  
2 difference between a religious review comment  
3 and a religious admin comment?  
4 Q. Yes.  
5 A. The difference between the two?  
6 Yeah. I mean, the religious review comment  
7 looks like -- like a standard response to the  
8 requester, and the religious admin comment  
9 appears that some additional information was  
10 received about the request or that the  
11 requestor provided some additional  
12 information.  
13 Q. Do you know that, or are you  
14 just reading the language and speculating?  
15 A. I guess I'm speculating.  
16 Q. Do you see that where it says  
17 121621 [REDACTED]  
18 A. Yes.  
19 Q. And I understand that that's  
20 [REDACTED] from testimony we had  
21 yesterday. Does that sound correct to you?  
22 A. Yes.

142  
1 Q. Do you recall in -- did you ever  
2 fill out the religious admin comment field in  
3 Vax Trax?  
4 A. I don't remember.  
5 Q. Did [REDACTED] have a  
6 different role on the committee than your role  
7 on the committee, to your knowledge?  
8 A. Not that I'm aware of. No.  
9 Q. Was [REDACTED] more -- did [REDACTED] -- do  
10 you know if [REDACTED] did more administrative  
11 functions related to the committee's work than  
12 you did?  
13 A. I don't remember.  
14 Q. If you could go to the first  
15 page of Exhibit 17 and read the religious  
16 belief comment starting at my -- ignore the  
17 attached language in the first sentence, but  
18 starting with the second sentence that says,  
19 [REDACTED] and  
20 continue until the end of that box where it  
21 says, [REDACTED] at the top of the  
22 second page and just read that to yourself and

143  
1 tell me when you're done.  
2 MS. McGRAW: Sam, can we take a  
3 moment? Neither one of us seems to have  
4 Exhibit 17.  
5 MR. KIRSNER: Was that a  
6 yesterday exhibit?  
7 MR. DIEHL: No. I handed it to  
8 you today.  
9 MR. KIRSNER: For some reason I  
10 don't have that on my stack.  
11 MS. McGRAW: I found mine. It's  
12 at the top.  
13 MR. KIRSNER: Okay.  
14 MR. DIEHL: So yeah.  
15 MS. McGRAW: Apologies.  
16 BY MR. DIEHL:  
17 Q. You could keep reading that and  
18 tell me when you're done.  
19 A. I'm done.  
20 Q. So as you understand it, this  
21 person would be responding to a description of  
22 their religious principle, tenet, or belief

144  
1 related to their request for an exemption. Is  
2 that fair?  
3 A. Yes.  
4 Q. And then if you could review the  
5 next box and the information in that box  
6 related to the religious conflict comment and  
7 tell me when you're done with -- done reading  
8 that.  
9 A. Okay. Okay. I'm done.  
10 Q. And whether you reviewed this  
11 earlier and recall that or just  
12 hypothetically, I want you to -- to based on  
13 your review of that information, tell me  
14 whether the information would be complete  
15 based on your criteria that you used as a  
16 exemption committee member in 2021?  
17 MS. McGRAW: Objection.  
18 Compound. Calls for speculation.  
19 Q. Well, let's just ask about that.  
20 First of all, the religious conflict comment.  
21 The employee would be answering the prompt  
22 next to Q13 on Exhibit 18 that says, please



Transcript of [REDACTED]  
Conducted on August 28, 2024

37 (145 to 148)

145

147

1 describe why this principle tenet or belief  
2 conflicts with or precludes you from receiving  
3 a vaccination, immunization, et cetera. Do  
4 you see that?

5 A. Yes.

6 Q. And when the employee provided  
7 the information that's in the box next to  
8 religious conflict comment, the prompt Q13  
9 from Exhibit 18 is what that employee would  
10 have been responding to; is that correct?

11 A. Yes.

12 Q. So and in 2021 you, as part of  
13 your work on the religious exemption  
14 committee, actually reviewed religious belief  
15 comments and religious conflict comments  
16 similar to or at least the same format as is  
17 shown on Exhibit 17, correct?

18 A. Correct.

19 Q. And I'm not asking -- well, do  
20 you recall if you reviewed this specific  
21 request in 2021?

22 A. I don't remember.

146

1 Q. But whether you actually  
2 reviewed it or whether it's just hypothetical,  
3 I want you to -- after reading this  
4 information, I want you to talk about how you  
5 would have evaluated this in 2021. Do you  
6 understand that?

7 A. I do understand.

8 MS. McGRAW: Object to the form.  
9 Calls for speculation.

10 Q. Well, you -- you recall and  
11 testified earlier about the process you used  
12 for reviewing religion exemption requests,  
13 correct?

14 A. Yes.

15 Q. So I just want you to use that  
16 -- those same criteria. And I want you to  
17 explain based on what you meant by complete  
18 earlier is -- is the information and provided  
19 by the employee in the box that starts at the  
20 bottom of page one of Exhibit 17 and continues  
21 on to the second page and then in the second  
22 box below, would that information have been

1 considered complete based on that same  
2 criteria you used in 2021?

3 MS. McGRAW: Same objection.

4 Extent you're asking [REDACTED] to recreate a thought  
5 process from three years ago.

6 MR. DIEHL: Counsel, stop doing  
7 that. You cannot tell the witness about their  
8 recollection. You cannot prompt the witness  
9 and you cannot instruct the witness. You're  
10 interfering with the testimony intentionally,  
11 and you can't do it. That's not proper  
12 objection.

13 MS. McGRAW: Your questions are  
14 improper. I can make my objections.

15 MR. DIEHL: That's not a proper  
16 objection. You were just lecturing me about  
17 your -- your form. You know, you're going to  
18 make everything form. So if you want to  
19 object to the form, if there's a proper form  
20 objection, that's fine, but don't try to  
21 prompt the witness anymore. Do you  
22 understand, counsel?

148

1 MS. McGRAW: I will make my  
2 objections, Sam.

3 BY MR. DIEHL:

4 Q. All right. So I think we have  
5 to ask that again.

6 Using the same criteria you would have  
7 used in 2021 -- well, again, you reviewed, I'm  
8 asking you a different question now. You  
9 reviewed exemption requests in 2021 including  
10 regarding their completeness; is that correct?

11 A. Yes.

12 Q. And using the same criteria you  
13 used in 2021, please tell me if this request  
14 as you read it is complete?

15 MS. McGRAW: Same objections.

16 THE WITNESS: Yeah. I don't  
17 remember.

18 Q. You don't remember?

19 A. So --

20 Q. What don't you remember? I  
21 guess, what do you mean by I don't remember?

22 A. Yeah. I mean, looking at this



Transcript of [REDACTED]  
Conducted on August 28, 2024

38 (149 to 152)

149

151

1 information today and looking at it three  
2 years ago, I -- I don't remember. Number one,  
3 I don't know that I reviewed this particular  
4 request that is in front of me on Exhibit 17.  
5 And three years later, I don't know or four  
6 years whatever, that I would have -- that it  
7 would be the same. I mean, I don't.

8 Q. I guess I'm not asking you to  
9 remember this.

10 A. Well --

11 Q. I thought that was clear. So  
12 I -- I don't know whether you reviewed this  
13 specific information on Exhibit 17.

14 A. And neither do I.

15 Q. Okay. And so -- so just pretend  
16 -- let's just assume for this that it's a  
17 hypothetical question and -- and all I want  
18 you to do is use the criteria regarding  
19 completeness that you used in 2021 and -- and  
20 look at this request and tell me whether it's  
21 complete.

22 MR. KIRSNER: Objection. Calls

150

1 for speculation.

2 THE WITNESS: So I can -- so  
3 what I will need to do is look back at the  
4 PowerPoint training.

5 Q. Okay. If that -- if that helps.  
6 Where in the PowerPoint -- and you're  
7 referring to Exhibit 1 when you say the  
8 PowerPoint?

9 A. It doesn't have a number on it,  
10 so.

11 Q. Oh, let's pause for one second,  
12 and it looks like the first page is off there  
13 and I think it's on the bottom of your stack  
14 of documents. Sorry. It's a little -- a  
15 little overkill of a clip, but there's a --  
16 there's a clip to put that together because I  
17 don't think I have a stapler that'll hold that  
18 together, but so -- so again, you're looking  
19 at Exhibit 1, the training PowerPoint, and can  
20 you show me in Exhibit 1 where there's  
21 information about completeness?

22 A. So I am looking at page 15 of

1 the exemption process, and I am reviewing the  
2 bullet points.

3 Q. Okay.

4 A. And so I think you're -- so  
5 restate your question.

6 Q. What just -- I guess you're -- I  
7 think you're doing -- I just wanted you to  
8 walk through the process as you would have  
9 done it back then. So I don't want to -- I  
10 think you're -- you're doing that, so I don't  
11 want to interrupt your description.

12 A. So as I am reading this  
13 document, I am looking for demonstrative  
14 examples of the reason they are denying their  
15 religious held beliefs, but also demonstrative  
16 reasons as to why they are requesting  
17 exemption.

18 Q. So when -- when you look at  
19 Exhibit 1, the PowerPoint presentation, what  
20 -- what are you specifically referring to  
21 regarding that? The part of the process you  
22 were just discussing?

152

1 A. So I'm -- I'm looking for  
2 sincerity. I'm looking for sincerity in the  
3 -- in the answers that the requester  
4 submitted.

5 Q. Where is sincerity in the  
6 process in -- in Exhibit 1?

7 MS. MCGRAW: In the process are  
8 you pointing to a particular page?

9 Q. Exhibit 1 where you've brought  
10 us to page 15 of the PowerPoint where it says  
11 exemption process, and it looks like that  
12 process -- well, the first place where it says  
13 the process is on page 14 of Exhibit 1. Do  
14 you see that?

15 A. Yeah. So I'm -- I'm -- I have  
16 read it for completeness. I have read it  
17 thoroughly to see if the requestor has given  
18 examples as to why they are requesting. I am  
19 looking -- yeah. So I'm looking for the  
20 reasons. I'm looking for the reasons why the  
21 person requested an exemption.

22 Q. And when you say I have read it,



Transcript of [REDACTED]  
Conducted on August 28, 2024

39 (153 to 156)

153

155

1 you're referring to the -- the language on the  
2 first page continuing on to the second page  
3 Exhibit 17 related to religious belief  
4 comments and religious conflict comments?

5 A. Yes.

6 Q. And then if you talked about  
7 completeness, where in the -- in Exhibit 1  
8 does it discuss completeness?

9 A. So I am restating. I am -- I am  
10 looking at Exhibit 18 at the two questions.

11 Q. Okay. And by the two questions,  
12 you mean Q12 and Q13?

13 A. Yes.

14 Q. And you're looking at those  
15 questions with respect to the issue of  
16 completeness?

17 A. That they have the answer --  
18 that they have answered the two questions.

19 Q. And so then that's -- that's how  
20 you would determine completeness?

21 A. Well, yes.

22 Q. Okay. So using that criteria,

154

1 is the information listed in the religious  
2 belief comment, religious conflict comment on  
3 the first two pages of Exhibit 17, is that  
4 complete?

5 MR. KIRSNER: Object to the  
6 form.

7 THE WITNESS: No.

8 BY MR. DIEHL:

9 Q. What's incomplete about it?

10 A. That the requester doesn't  
11 provide any examples or -- yeah, any examples  
12 of or proof of how they carry out their  
13 religious faith thoroughly, or how it would  
14 impact -- how it would impact them. And it --  
15 it also doesn't indicate or nor does the  
16 person share -- you don't not or any other  
17 information related to as to why they are  
18 requesting an exemption.

19 Q. And if you look back at Q12 and  
20 Q13 on Exhibit 18, a number of the things you  
21 just mentioned don't seem to be listed in Q12  
22 or Q13; is that fair?

1 A. Yes.

2 Q. Do you know if there was some  
3 other document where employees were informed  
4 that they needed to talk about those other  
5 issues that you just referenced with respect  
6 to completeness when they were answering the  
7 questions at Q12 and Q13?

8 A. Not that I'm aware of. No.

9 Q. So employees might have had  
10 answers to those questions and just not known  
11 that they were required to provide that  
12 information; is that fair?

13 MS. MCGRAW: Object to the form.

14 MR. KIRSNER: Objection. Calls  
15 for speculation.

16 THE WITNESS: Can you restate  
17 the question?

18 Q. Sure. So in your previous  
19 answer, you talked about an employee should  
20 provide examples of or proof of how they carry  
21 out their religious faith. Do you recall that  
22 testimony?

156

1 A. Yes.

2 Q. So in Q12 and Q13, the --  
3 there's nothing about -- nothing prompting an  
4 employee to talk about how they live out their  
5 faith; is that fair?

6 MS. MCGRAW: Object to the form.

7 THE WITNESS: Well, it -- it  
8 says beliefs.

9 BY MR. DIEHL:

10 Q. Okay. And -- and so employees  
11 should know when it says describe their  
12 belief, describe the religious belief for  
13 their request, they should know that that  
14 means that they need to describe how they live  
15 that out?

16 A. It -- it depends on how the  
17 employee interprets it. I -- I can't tell you  
18 how an employee should or I didn't write the  
19 question, right? So I can't tell you how an  
20 employee should interpret the question. It's  
21 -- every employee is different and how they  
22 may interpret the question.



Transcript of [REDACTED]  
Conducted on August 28, 2024

40 (157 to 160)

157  
1 Q. Well, so yeah. I'm ask -- I  
2 want to ask you about your process and what  
3 you did when you were reviewing applications.  
4 So you did evaluate employee's requests to  
5 determine whether employees talked about how  
6 they live out their faith, correct?  
7 A. Yes.  
8 Q. And if a request was denied  
9 because it didn't include that information,  
10 you didn't provide the employee with an  
11 explanation that they had not described how  
12 they live out their faith in their responses  
13 and that they needed to provide that in order  
14 to obtain their exemption request, did you?  
15 A. No, I did not.  
16 Q. Do you know if anyone else at  
17 UVA explained that problem with a request that  
18 -- for employees that had that problem?  
19 A. Not that I'm aware of. No.  
20 Q. Is there anything else regarding  
21 completeness that is -- that would indicate  
22 that the request that is shown on the bottom

158  
1 of page -- first page of 17, Exhibit 17 and  
2 then continuing on to the second page, is  
3 there anything else other than what you've  
4 said regarding why this is not complete?  
5 A. No, there isn't.  
6 Q. And as I look through the  
7 exemption process slides and you can look  
8 around in Exhibit 1, but I understand it looks  
9 like the exemption process is described on  
10 pages 14, 15, 16, 17 and 17. I don't see  
11 anything about completeness in -- in the  
12 exemption process PowerPoint, Exhibit 1.  
13 MS. McGRAW: Object to the form.  
14 Are you referring -- I'm -- I'm just going to  
15 tell you there's a problem with your question.  
16 BY MR. DIEHL:  
17 Q. Well, as you look at Exhibit 1,  
18 do you see anything in the PowerPoint  
19 regarding the issue of completeness?  
20 A. So as I look -- as I look at the  
21 document, no.  
22 Q. And then I see this -- I -- I

159  
1 don't see a known religion referenced in  
2 Exhibit 17 in the religious belief comment or  
3 religious conflict comment. Do you -- do you  
4 see one?  
5 A. On Exhibit 17, on what page?  
6 Q. Sure. On the first, you know,  
7 we've been talking about the box that begins  
8 -- on the first page of Exhibit 17 that begins  
9 with the language, please find my -- excuse  
10 me. I can't read. We've been talking about  
11 the box on the bottom of the first page of  
12 Exhibit 17 where the language begins, please  
13 find attached my religious belief statement?  
14 A. Yes.  
15 Q. And then that box as it  
16 continues on to the second page, and then the  
17 information provided by the employee in the  
18 box just below that, that begins with [REDACTED]  
19 [REDACTED] and then ends with  
20 [REDACTED]. Do you see that?  
21 A. Yes.  
22 Q. So do you see in those two boxes

160  
1 any information that an employee listed a no  
2 religion?  
3 MS. McGRAW: Object to the form.  
4 Vague and ambiguous.  
5 Q. Let me clarify that before --  
6 before you answer. If you go to Exhibit 14 or  
7 I'm saying Exhibit 14. I mean Exhibit 1, page  
8 14. Sorry about that. Looking at the  
9 exemption process, and then there's the one,  
10 two, three. And so if you were at the third  
11 step in the process where a panelist such as  
12 you, reviews the request, do you see that?  
13 A. Yes.  
14 Q. And then on the next page, the  
15 bullet point says, if the exemption -- do you  
16 see the bullet point that begins, if the  
17 exemption request fits within a known category  
18 and then continues?  
19 A. Yes.  
20 Q. So as you evaluate the  
21 information provided on the two boxes we've  
22 been discussing on Exhibit 17, does that --



Transcript of [REDACTED]  
Conducted on August 28, 2024

41 (161 to 164)

161

163

1 those two boxes reference a known category as  
2 that is used in the first bullet point on page  
3 15 of Exhibit 1?

4 **A. No.**

5 **Q.** So the next bullet point. The  
6 next step in the exemption process would be  
7 that it's -- sorry.

8 **A. Excuse me. So this -- so -- so**  
9 **not listed, but this list is not all**  
10 **inclusive.**

11 **Q.** What do you mean this list is  
12 not all inclusive?

13 **A. Well, what I'm saying is it says**  
14 **within a known category and then it provides**  
15 **some examples. So I'm just saying that that**  
16 **is not all inclusive.**

17 **Q.** The description of known  
18 categories?

19 **A. Yes.**

20 **Q.** Whatever -- whatever the known  
21 categories are, is it fair to say that the  
22 information listed by the employee or the

162

1 information provided by the employee on those  
2 boxes on Exhibit 17 does not provide  
3 information regarding a known category as  
4 that's used in page 15 of Exhibit 1?

5 **A. It does not.**

6 **Q.** Okay. So then if I follow the  
7 exemption process bullet points on page 15,  
8 are -- are you there?

9 **A. Yes.**

10 **Q.** So the next step says if it  
11 doesn't identify any religious support for the  
12 belief, the exemption will be denied. Do you  
13 see that?

14 **A. Yes.**

15 **Q.** Now, as you use that criteria as  
16 the next step, does the information provided  
17 by the employee and those boxes, those two  
18 boxes on Exhibit 17, does that identify  
19 religious support for the employee's beliefs  
20 using the criteria you would have used in  
21 2021?

22 **MR. KIRSNER:** Object to the

1 form. Calls for speculation.

2 **THE WITNESS:** No.

3 **BY MR. DIEHL:**

4 **Q.** It does not identify it -- well,  
5 no. I guess, what do you mean by, no? Like,  
6 can you explain that?

7 **A. Well, yes, it does identify.**

8 **Excuse me.**

9 **Q.** Okay. And then because it does  
10 identify rel -- some religious support, then  
11 that means it would be forwarded to the  
12 committee; is that correct? Using the bullet  
13 points on Exhibit 15 or excuse me.

14 **A. Yes.**

15 **Q.** Let me -- let me ask you a  
16 better question because I said the wrong  
17 thing.

18 Using the bullet points on page 15 of  
19 Exhibit 1, the next step having identified  
20 some religious support, that would have been  
21 forwarded to the committee for discussion; is  
22 that correct?

164

1 **A. Yes. Well, not forward it, but**  
2 **whatever -- whatever HRBP was assigned to this**  
3 **particular one, they would bring it to the**  
4 **meeting for further discussion.**

5 **Q.** It wouldn't necessarily have  
6 been forwarded, but it would have been  
7 discussed by the committee?

8 **A. Yes.**

9 **Q.** And then it looks like on page  
10 16 of Exhibit 1, are you there?

11 **A. I'm there.**

12 **Q.** Is this how the committee would  
13 -- is this the process that the committee  
14 would use to evaluate exempt requests that  
15 were considered by the committee?

16 **A. Yes, but what was missed if the**  
17 **requestor submitted this type of request and**  
18 **in looking at the second bullet point, they**  
19 **also had an opportunity to submit additional**  
20 **information.**

21 **Q.** Okay. Well, I'll get to that  
22 because -- but, you know, in Vax Trax if we



Transcript of [REDACTED]  
Conducted on August 28, 2024

42 (165 to 168)

165  
1 look at this, this looks like the first entry.  
2 It says August 26. So as I read Exhibit 17  
3 and you feel free to look at it and tell me if  
4 I'm wrong, but it looks like the boxes we've  
5 been talking about would have been the first  
6 information the employee provided as part of  
7 their request for religious exemption. Is  
8 that a fair understanding of the boxes at the  
9 bottom of page one of Exhibit 17 and  
10 continuing on to page two of Exhibit 17?  
11 A. Yes.  
12 Q. And so they might have been able  
13 to provide information later, but the  
14 information they provided, that's what the  
15 employee provided. Is that a fair  
16 understanding of Exhibit 17?  
17 A. Yes.  
18 Q. And, again, you reviewed  
19 information like this. Whether or not you  
20 reviewed this Exhibit 17 information, you  
21 reviewed information like this regularly as  
22 part of your work for the exemption committee

166  
1 in 2021?  
2 A. Yes.  
3 Q. And the committee would have  
4 considered the criteria in the three bullet  
5 points or excuse me, factors in the three  
6 bullet points; is that correct?  
7 A. Correct.  
8 Q. And using that criteria, does  
9 the request and information shown in Exhibit  
10 17 in the boxes we've been discussing, does  
11 that provide the information sufficient to  
12 grant this request based on the criteria that  
13 was used in 2021?  
14 MS. McGRAW: Object to the form.  
15 Calls for speculation.  
16 THE WITNESS: I can answer now?  
17 Q. Yes.  
18 MS. McGRAW: Yeah, you can  
19 answer if you can.  
20 THE WITNESS: No.  
21 Q. What's missing? Or what's I  
22 guess, what do you -- why does it not meet

167  
1 those criteria? To ask a broader question.  
2 And again, I'm asking you to use -- applied  
3 those criteria listed on page 16 of Exhibit 1  
4 in the same way you would have used the  
5 criteria in 2021 as part of the committee's  
6 work?  
7 MS. McGRAW: Are you limiting  
8 [REDACTED] to those criteria?  
9 MR. DIEHL: Well, that's the  
10 question I'm asking counsel.  
11 MS. McGRAW: Object to the form.  
12 MR. DIEHL: Why don't we have a  
13 standing objection to the form for every  
14 question since you do it every time.  
15 MS. McGRAW: I don't think I do  
16 it every time, Sam.  
17 MR. DIEHL: Do you want to just  
18 do that? Just have a standing objection form?  
19 MS. McGRAW: I just I want to  
20 make --  
21 MR. DIEHL: I'm not joking,  
22 counselor. You're -- you seem to be laughing.

168  
1 I'm not joking.  
2 MS. McGRAW: Sam, I wanted to  
3 make sure I understood your question. You  
4 replied, you told me what the question was,  
5 and I'm telling you that I object to the  
6 question. If you want to rephrase the  
7 question because of my objection, you can do  
8 that.  
9 MR. DIEHL: I don't need to.  
10 It's a proper question, counsel, but you  
11 obviously confused the witness or prompted the  
12 witness not to answer or recall. So I'll ask  
13 the question again.  
14 BY MR. DIEHL:  
15 Q. My question is -- well, do you  
16 understand that the question I'm about to ask  
17 relates to applying the criteria or factors  
18 listed on page 16 of Exhibit 1 as you would  
19 have applied them in 2021 as part of your work  
20 for the committee? Do you understand that  
21 premise?  
22 A. Yes.



Transcript of [REDACTED]  
Conducted on August 28, 2024

43 (169 to 172)

169

171

1 Q. Okay. So looking at the  
2 information provided to the employee on the  
3 first page and continuing on to the second  
4 page of Exhibit 17, you indicated that the  
5 employee does not meet those criteria or can  
6 you explain what -- what -- well, just can you  
7 explain how you would have applied those  
8 criteria?  
9 A. So this particular request, this  
10 particular request does not give -- it does  
11 not give, number one, the -- the religion that  
12 they are associated with. The person did  
13 incorporate some Bible verses, but it does not  
14 have the religion that they firmly believe in.  
15 And it -- it also doesn't give -- let's see.  
16 Yeah, is -- it is -- it is written very  
17 generally. So it doesn't really go into  
18 detail as to why they would not -- why they  
19 are requesting the exemption.  
20 Q. Any -- any other problems with  
21 this with respect to approval using the  
22 criteria on page 16 of Exhibit 1?

170

1 A. No.  
2 Q. And religion associated with --  
3 when you say religion, do you mean religious  
4 denomination or particular label of their  
5 faith?  
6 A. Yes.  
7 Q. And ignoring the other issue you  
8 mentioned that not identifying the religion  
9 associate -- the religion with which they are  
10 associated that made this, that this would be  
11 required to be denied based on that criteria?  
12 MS. McGRAW: Object to the form.  
13 Q. Let me ask it again. Just  
14 ignoring anything else that might be deficient  
15 with this request, you mentioned that one of  
16 the issues or that -- that could result in  
17 denial was that this didn't identify the  
18 religion this individual was associated with;  
19 is that fair?  
20 A. Yes. Yes.  
21 Q. And if there were no other  
22 issues, would that have been sufficient to

1 deny this request?  
2 MS. McGRAW: Object to the form.  
3 THE WITNESS: I -- I don't know.  
4 I mean, again, I don't know.  
5 BY MR. DIEHL:  
6 Q. It might have been. It might  
7 not have been. You're not sure?  
8 A. I'm not sure.  
9 Q. And then you also mentioned that  
10 this is written very generally. What did you  
11 mean by that?  
12 A. Well, it -- the request itself,  
13 it doesn't elaborate on -- it doesn't  
14 elaborate on lifestyle. It doesn't elaborate  
15 on -- yeah. It's -- it's just -- it's just  
16 very -- it's just very general. So they're --  
17 it -- it doesn't give or it doesn't share how  
18 -- even how they've handled previous lifestyle  
19 changes or lifestyle choices.  
20 Q. What do you mean by lifestyle  
21 choices?  
22 A. So in terms of lifestyle

172

1 choices, in terms of diet, in terms of other,  
2 you know, if they do or they don't take any  
3 other medications for healing.  
4 Q. It doesn't indicate that I guess  
5 the opposite isn't included in here; is that  
6 correct? Like, it doesn't say I don't take  
7 care of my body or I -- do you know -- do you  
8 know what I'm asking?  
9 A. I know what you're asking.  
10 Q. So is the opposite of what you  
11 were just saying in here, is there any  
12 indication that this person doesn't -- does  
13 not make healthy lifestyle choices or whatever  
14 choi -- well, let me ask you this. What would  
15 be consistent? What information would be  
16 consistent with this request that they could  
17 have provided regarding lifestyle choices?  
18 A. It in -- in my opinion, this is  
19 very generally written and it does not spec --  
20 it does not specify -- it -- it doesn't go  
21 into detail necessarily about what they --  
22 what they do or what they don't do. It's just



Transcript of [REDACTED]  
Conducted on August 28, 2024

44 (173 to 176)

173

175

1 very -- in my opinion, it's just very  
2 generally written.  
3 Q. What would have -- what could  
4 they have provided that would have shown that,  
5 with respect to lifestyle choices, that would  
6 have demonstrated consistent -- consistency  
7 with the beliefs related as that pertains to  
8 the criteria listed on page 16 of Exhibit 1?  
9 MS. McGRAW: Objection. Calls  
10 for speculation.

11 THE WITNESS: Just in terms of  
12 -- just in terms of medications or you don't  
13 -- how they -- how they or three years ago, so  
14 at the time, how they handle taking  
15 medications or if they listed any other  
16 information about vaccinations within their  
17 lifetime or it's -- it's -- yeah, it's just --  
18 it's, you know, written very -- it's just  
19 written very general. It doesn't provide  
20 examples and that's it.

21 BY MR. DIEHL:

22 Q. What I'm asking -- when I'm

174

1 asking about what you applied in 2021, you  
2 actually looked for those issues in 2021 when  
3 you were reviewing employee requests for  
4 exemptions, correct?  
5 A. Yeah. So I looked for  
6 information that was included in the training  
7 document for consider -- to take into  
8 consideration. So if I did not see any of  
9 those considerations listed, yeah. If I  
10 didn't see any of those considerations listed,  
11 then maybe I had additional questions or may  
12 have denied it.

13 Q. So the process and the training  
14 shown on Exhibit 1 at page 16 does  
15 specifically reference medication,  
16 vaccinations, and lifestyle choices. Do you  
17 see that?

18 A. Yes.

19 Q. So turning back to Exhibit 17,  
20 there's no reference to vaccinations, use of  
21 medication, or lifestyle choices, is there in  
22 this -- the information provided by the

1 employee on the first two pages of Exhibit 17?  
2 MR. KIRSNER: Objection. Asked  
3 and answered.

4 Q. You can go ahead.

5 A. So it does not.

6 Q. And did members of the committee  
7 when they were reviewing religious belief and  
8 religious conflict comments from Vax Trax, did  
9 -- did you go and obtain vaccination records  
10 related to employees to evaluate the issue of  
11 taking other vaccinations?

12 A. I didn't have authority to  
13 access other vaccination records. I'm not a  
14 doctor, so.

15 Q. Sure. I'm not asking whether  
16 you did it improperly. I just mean just as a  
17 fact, you did not access vaccination records  
18 or review vaccination records related to  
19 employees like this person identified as 43 on  
20 the first and second pages of Exhibit 17?

21 A. No, I did not. However, on the  
22 form the employee vaccine information, they

176

1 may have been asked if they previously had the  
2 flu vaccination or something like that, but  
3 no.

4 Q. Were you referencing vaccine  
5 information?

6 A. On the first page.

7 Q. Okay. It looks like that  
8 relates to the COVID vaccine.

9 A. Okay. So -- so, no, I didn't --

10 Q. I'm telling you that. I'm just  
11 saying, do you read that the same way I do  
12 where it says --

13 A. Yes.

14 Q. -- received COVID vaccine, no,  
15 and then vaccine count zero?

16 A. Yes.

17 Q. Those two references to vaccines  
18 would both refer to a COVID vaccine?

19 A. Correct.

20 Q. So this is -- this request or  
21 let me strike that.

22 The information provided by the



Transcript of [REDACTED]  
Conducted on August 28, 2024

45 (177 to 180)

177  
1 employee on the first page and the second page  
2 of Exhibit 17 is silent as to other vaccines,  
3 correct? That's -- that's correct?  
4 **A. Correct.**  
5 Q. And it's silent as to the use of  
6 medications, correct?  
7 **A. Correct.**  
8 Q. And is it silent with respect to  
9 lifestyle choices?  
10 **A. Correct.**  
11 Q. And so when you -- if you had  
12 read this in 2021 using the same criteria,  
13 would you -- you would have denied this  
14 request at that time?  
15 MS. McGRAW: Object to the form.  
16 Calls for speculation.  
17 THE WITNESS: Yes.  
18 BY MR. DIEHL:  
19 Q. And because it was missing that  
20 information that you just referenced?  
21 **A. Yes.**  
22 Q. Would that be similar to

178  
1 criteria that you applied to the different  
2 exemption requests that you reviewed in 2021?  
3 **A. Every -- every request was**  
4 **different.**  
5 Q. What --  
6 **A. So.**  
7 Q. It was different in their  
8 answer, correct?  
9 **A. That is correct.**  
10 Q. Did you apply different criteria  
11 to each one when you reviewed them?  
12 **A. No, I did not.**  
13 Q. Okay. So with respect to the  
14 criteria, if they made it to step four in the  
15 committee consideration, you would apply the  
16 same criteria related to vaccinations,  
17 medication, and lifestyle choice; is that  
18 fair?  
19 **A. For consideration, yes.**  
20 Q. And if they were silent like the  
21 information provided to the employee on  
22 Exhibit 17 with respect to those issues

179  
1 related to vaccination, medications and  
2 lifestyle choices, that would have resulted in  
3 the denial?  
4 MS. McGRAW: Objection to the  
5 form. Mischaracterizes.  
6 THE WITNESS: And to obtain  
7 additional information.  
8 Q. What do you mean by to obtain  
9 additional information?  
10 **A. So if it was denied, the**  
11 **employee could resubmit the request with**  
12 **additional information.**  
13 Q. Do you know if when the employee  
14 was denied -- well, I'm not asking about the  
15 specific employee, so let me ask you more  
16 broadly. Do you know when if employees were  
17 denied based on the application of the  
18 criteria on page 16 of Exhibit 1, do you know  
19 if they were told that they needed to provide  
20 additional information?  
21 **A. Within the -- within the bad**  
22 **Trax -- Vax Trax form, those were automated**

180  
1 **messages. So I can't recall what it says. If**  
2 **it's denied, send additional information. I**  
3 **just know that employees have the option to**  
4 **submit additional information if it was**  
5 **denied.**  
6 Q. If you could go to the page on  
7 Exhibit 17 that is numbered 3038 at the  
8 bottom. Tell me when you're there.  
9 **A. I'm there.**  
10 Q. And then there's a -- in the  
11 middle of the page, there's the bottom of a  
12 table that has a religious review comment on  
13 the left side. You see that?  
14 **A. Yes.**  
15 Q. And religious review comment is  
16 what -- what is that information, to your  
17 knowledge, in the Vax Trax system?  
18 **A. It is automated message that**  
19 **went to an employee if the exemption was**  
20 **denied.**  
21 Q. And if you could look at the  
22 text to the right of religious view comment



Transcript of [REDACTED]  
Conducted on August 28, 2024

46 (181 to 184)

181

1 that starts with, dear applicant. Do you see  
2 that?  
3 **A. Yes.**  
4 **Q.** Now, before I ask you about  
5 that, there's -- there's a number of kind of  
6 symbols in there. Like a -- I don't know what  
7 -- is that a greater than, less than symbol?  
8 Whatever it is, BR/greater than less than BR.  
9 Do you see that where I'm reading?  
10 **A. Yes.**  
11 **Q.** Those symbols wouldn't have been  
12 in the communication to the employee, correct?  
13 **A. Not that I'm aware of. I don't**  
14 **know what those symbols.**  
15 **Q.** Well, it looks like one of them  
16 is a -- is a hyperlink. Do you see where it  
17 says H Ref equals and then there's a website  
18 listed. Do you see that?  
19 **A. Yes.**  
20 **Q.** So ignoring those symbols and  
21 looking at the language, please read that  
22 language that starts with, dear applicant and

182

1 ends with please visit immuni -- please visit  
2 immunize UVA period.  
3 **A. I see the information.**  
4 **Q.** Is that consistent with your  
5 recollection of the message that an employee  
6 would have received if they were denied after  
7 the initial review by a member of the  
8 committee based on the criteria listed in on  
9 page 16 of Exhibit 1?  
10 **A. So on Exhibit 1, page 16, these**  
11 **are committee consideration and this -- I**  
12 **believe that this list is not all inclusive.**  
13 **Q.** In terms of all inclusive,  
14 what's missing on -- on page 16 of Exhibit 1?  
15 **A. Well, because it says**  
16 **consideration. It doesn't say -- it doesn't**  
17 **say mandatory consideration. It says**  
18 **committee considerations, but, yes, the**  
19 **employee would receive this automated message**  
20 **via email if their request was denied.**  
21 **Q.** And that would include if their  
22 request was denied based on -- for example,

183

1 there wasn't information about medication or  
2 lifestyle choices? Would they receive the  
3 same message?  
4 **A. I don't remember. I don't**  
5 **remember.**  
6 **Q.** But do you remember there was a  
7 different message that was provided to  
8 employees that were denied after the  
9 committee's review?  
10 **A. I don't remember.**  
11 **Q.** And whatever message was  
12 provided, is it your understanding that would  
13 have been sent to them through the Vax Trax  
14 system?  
15 **A. Yes.**  
16 **Q.** At the bottom of the slide 16 of  
17 Exhibit 1, there's a line that says, it may be  
18 necessary to ask for additional information  
19 from the team member. Do you see that?  
20 **A. Yes.**  
21 **Q.** Do you recall ever asking for  
22 additional information from a team member?

184

1 **A. I don't remember.**  
2 **Q.** You don't recall ever doing  
3 that?  
4 **A. I -- I don't remember.**  
5 **Q.** You don't remember. You might  
6 have?  
7 **MR. KIRSNER: Objection.**  
8 **Badgering the witness.**  
9 **BY MR. DIEHL:**  
10 **Q.** No. I'm trying to understand.  
11 Do you -- do you understand why I ask that?  
12 And -- and I'm not trying to badger you at  
13 all. I'm not a badger. I'm gopher. That's a  
14 joke. It's a Minnesota/Wisconsin joke, but a  
15 bad one.  
16 But you might not remember because you  
17 don't remember any -- any part of that. And  
18 so you don't remember whether you did or did  
19 not do something, but you also might not  
20 remember in that you're saying you don't  
21 recall ever doing that. So do you -- do you  
22 understand the distinction I'm making?



Transcript of [REDACTED]  
Conducted on August 28, 2024

47 (185 to 188)

185

1 A. Yes.  
2 Q. So with respect to -- let me  
3 just ask it again, just to make it clear here.  
4 Do you recall if you ever asked for  
5 additional information from a team member?  
6 A. I -- I don't know.  
7 Q. And do you know if any other  
8 members of the committee asked for additional  
9 information from the team member?  
10 A. They may have.  
11 Q. If a -- if a committee member --  
12 well, let's just ask you about you.  
13 If you were to ask an employee for  
14 additional information, would your  
15 communication have been through the Vax Trax  
16 system?  
17 A. Yes.  
18 Q. And do you know if other members  
19 of the committee communicated with team  
20 members who made requests exclusively through  
21 the Vax Trax system?  
22 A. Yes.

186

1 Q. And -- and -- and that's correct  
2 that members, all of the members of the  
3 committee would have exclusively communicated  
4 with team members regarding the request  
5 through the Vax Trax system?  
6 A. Yes.  
7 MR. DIEHL: It's a good time for  
8 a break.  
9 MS. McGRAW: Okay.  
10 (Off the record.)  
11 BY MR. DIEHL:  
12 Q. We've been talking about  
13 Exhibit 1, the training that was provided to  
14 members of the exemption committee. I  
15 understand that Melissa Wolf Riley is an  
16 attorney; is that correct?  
17 A. Yes.  
18 Q. Other than Ms. Riley, what  
19 leader at UVA decided how the process should  
20 be set up, to your knowledge?  
21 MS. McGRAW: Object to the form.  
22 Q. Well, I'm asking about the

187

1 process for reviewing -- let me just -- yeah.  
2 Let me break that up a little bit.  
3 There's a process for reviewing  
4 religious accommodation requests that's  
5 described in Exhibit 1, the PowerPoint, and  
6 any decisions that weren't legal advice, do  
7 you know if there was a decisionmaker that is  
8 a leader at UVA that made decisions regarding  
9 the review process?  
10 A. I don't know.  
11 Q. So do you know, for example, if  
12 Melissa Frederick was in charge of making  
13 decisions related to the review process from  
14 as a nonattorney?  
15 A. Melissa was not in charge of  
16 making decisions. Melissa coordinated and was  
17 a part of the meeting, but Melissa did not ad  
18 -- Melissa Frederick did not advise the  
19 committee.  
20 Q. What was Melissa's role in the  
21 reporting structure of -- of the UVA Health HR  
22 Business Partners?

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1 A. Melissa's title was a senior  
2 director and Melissa Fred -- Melissa  
3 Frederick's title was a senior director I  
4 think of operations and the health system  
5 HRBPs, and the School of Medicine, HRBPs  
6 reported up to Melissa.  
7 Q. Okay. So, well, she might not  
8 have been a part of the committee. She was  
9 the committee members supervisor or --  
10 A. Yes.  
11 Q. -- at some level their  
12 supervisor?  
13 A. Yes.  
14 Q. And you -- you do not know who  
15 as a nonattorney made any decisions regarding  
16 the religious exemption process in 2021 that  
17 was used by the committee of the religious  
18 exemption committee?  
19 A. No, I don't. I'm not clear of  
20 what you're asking me. And so we had the  
21 committee members. We had Melissa Riley and  
22 we had Melissa Frederick. And so in terms of



Transcript of [REDACTED]  
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48 (189 to 192)

189

1 -- so what are you asking me specifically  
2 about Melissa Frederick's role?  
3 Q. Well, I guess I'm not  
4 specifically asking about Melissa Frederick.  
5 A. Okay.  
6 Q. I was, but I'm not right at this  
7 moment. I -- I just -- well, is -- is it  
8 likely that someone who was not an attorney  
9 was involved in decisions related to the  
10 religious accommodation review process --  
11 MS. McGRAW: Object to --  
12 Q. -- in 2021?  
13 MS. McGRAW: Object to the form.  
14 Calls for speculation.  
15 THE WITNESS: Melissa Frederick  
16 is not an attorney.  
17 BY MR. DIEHL:  
18 Q. Right. So I'm saying, do you --  
19 well, how about this. Do you know if a  
20 nonattorney was involved in making decisions  
21 regarding the religious accommodation request  
22 review process in 2021, to your knowledge?

190

1 A. Melissa Frederick did not make  
2 any decisions regarding the review process.  
3 Q. How do you know that?  
4 A. She -- when the committee was  
5 formed -- when the committee was formed, it  
6 was stated that she would not be making any  
7 decisions. That she would -- that she would  
8 be there for the HR Business Partners as a  
9 support system, but would not make any  
10 decisions on the request that had been  
11 submitted.  
12 Q. But -- and the comments from  
13 Melissa Frederick that you're referring to,  
14 those were at the time when the committee was  
15 starting its work or performing its work; is  
16 that correct?  
17 A. What comments? What comments?  
18 I'm sorry. I just -- I want to make sure --  
19 Q. Yeah, sure. That's fine.  
20 A. -- that we're clear.  
21 Q. I'm just going back to we've got  
22 a --

191

1 A. Okay.  
2 Q. -- transcription going on here.  
3 A. Okay.  
4 Q. And so you said it was stated  
5 that she, Melissa Frederick, would not be  
6 making any decisions that she would be there  
7 for the business, HR Business Partners, but  
8 not making decisions effectively. Does that  
9 -- do you recall that testimony?  
10 A. As regards to the religious  
11 exemptions. That is correct.  
12 Q. And who stated that?  
13 A. I -- I don't remember.  
14 Q. And but whoever stated it, that  
15 was after the July 1st training, correct?  
16 A. I don't remember.  
17 Q. Do you think what -- did you  
18 learn about their religious accommodation  
19 request review process before the July 1st,  
20 2021 training at which Exhibit 1 was  
21 discussed?  
22 A. I did not. I did not know about  
1 this particular document prior to the date  
2 that you just gave.  
3 Q. And so any comments about Ms.  
4 Frederick's role in the religious  
5 accommodation request review process, those  
6 would have been after this document Exhibit 1  
7 was created?  
8 A. I don't remember.  
9 Q. Well, did the comments about Ms.  
10 Frederick's role in the process occur before  
11 the training on July 1st, 2021?  
12 A. I don't remember.  
13 Q. And you don't know who was  
14 involved in creating or making decisions  
15 related to the PowerPoint in Exhibit 1 other  
16 than Melissa Wolf Riley?  
17 A. Correct.  
18 Q. Are you aware that UVA's policy  
19 related to religious accommodations changed at  
20 some point in 2022?  
21 A. No.  
22 Q. At some point in 2020 -- well,

192



Transcript of [REDACTED]  
Conducted on August 28, 2024

49 (193 to 196)

193

195

1 just generally let me ask you a question.  
2 When did your work reviewing religious  
3 exemptions as part of the religious exemption  
4 committee, when did that end?

5 **A. I don't remember the exact day**  
6 **that it ended.**

7 Q. Whether or not you remember the  
8 exact day, do you remember was it in 2021 or  
9 in 2022?

10 **A. I don't remember.**

11 Q. Did your work with the religious  
12 exemption committee continue on after other  
13 members of the committee ceased reviewing  
14 exemptions through the religious exemption  
15 committee?

16 **A. No.**

17 Q. So you would've ended at the  
18 same time as other members of the committee  
19 ended their work, to your knowledge?

20 **A. Yes.**

21 Q. Do you recall whether there was  
22 an announcement about that or how did you

194

1 learn that you were no longer going to be  
2 required to review requests made through the  
3 Vax Trax system?

4 **A. It was -- it was communicated**  
5 **through -- it was communicated during our**  
6 **meeting via Zoom.**

7 Q. The meeting of the religious  
8 exemption committee?

9 **A. Yes.**

10 Q. And who informed you that your  
11 work with it -- well, let me step back. The  
12 communication was to the members of the  
13 committee that the work of the committee was  
14 done; is that correct?

15 **A. Yes.**

16 Q. Who -- who said that?

17 **A. I don't remember.**

18 Q. Was it a supervisor or leader in  
19 the HR area?

20 **A. So it may have been Melissa**  
21 **Frederick, given that that was the supervisor**  
22 **that I reported to at the time.**

1 Q. Do you recall when -- well,  
2 Melissa Frederick is no longer an employee of  
3 UVA; is that correct?

4 **A. That is correct.**

5 Q. Do you recall when she left UVA?

6 **A. I don't remember.**

7 Q. It's my understanding I can -- I  
8 can show you. I'm looking at her LinkedIn  
9 profile online. I'll just represent that I'm  
10 doing that, and I can show it if you'd like to  
11 look at it, but it looks like she -- her  
12 employment is listed as ending in December  
13 2021. Does that sound correct to you based on  
14 your memory of when she left UVA?

15 **A. I don't remember when she left**  
16 **UVA.**

17 Q. Well, setting aside whether  
18 Melissa Frederick was -- when she left UVA,  
19 was Melissa Frederick a part of the meeting or  
20 present at the meeting when members of the  
21 committee were informed that their work was  
22 done?

196

1 **A. I don't remember.**

2 Q. Have you been involved with  
3 religious accommodation requests related to  
4 issues other than vaccine as part of your work  
5 at UVA?

6 **A. Religious accommodations?**

7 Q. Correct.

8 **A. I have not.**

9 Q. In any of your previous  
10 positions that involved human resources, did  
11 you -- were you involved in any decisions or  
12 consideration of religious accommodation  
13 requests that were unrelated to vaccination?

14 **A. I don't remember.**

15 Q. And you understand what I mean  
16 by religious accommodation request?

17 **A. I do.**

18 Q. So, for example, if an employee  
19 wanted additional breaks because they're  
20 Muslim and they would like to have time off on  
21 a break to pray, do you understand that?

22 **A. Yes, I do understand that.**



Transcript of [REDACTED]  
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50 (197 to 200)

197

199

1 Q. And with that refresher, do you  
2 recall anything, any religious accommodation  
3 request that came up as part of your job of  
4 any human resources job that you've had?

5 A. I -- I don't remember.

6 Q. Have you received any training  
7 while you were an employee at UVA about  
8 whether religious accommodation requests that  
9 are unrelated to vaccination?

10 A. So the training would not have  
11 been specifically for religious accommodation.  
12 It would've been accommodations in general.

13 Q. What training was that? Do you  
14 recall?

15 A. A training conducted by the  
16 Equal Opportunity Civil Rights office at UVA.

17 Q. Is the process different for  
18 accommodation requests that involve a  
19 disability or medical issue as opposed to a  
20 religious issue? Again, separate from  
21 vaccination or the COVID vaccine policy?

22 A. So is a religious accommodation

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1 different -- excuse me. Is a religious  
2 accommodation request different from American  
3 Disabilities Act request? Yes. The two are  
4 different. Different steps are involved.

5 Q. And do you have an understanding  
6 of how religious accommodation requests that  
7 are unrelated to vaccines are handled and  
8 accommodation requests that are made related  
9 to a disability or medical condition? You're  
10 aware of how those are handled at UVA?

11 A. I'm not sure.

12 Q. Well, you mentioned a training.  
13 What was that training that you mentioned  
14 about?

15 A. Yeah. So it was -- it was a  
16 training conducted by EOCR, Equal Opportunity  
17 Civil Rights office a few years ago.

18 Q. Mark exhibit -- are we on 19?

19 THE REPORTER: Yes, sir.

20 [REDACTED] 19, UVA Office for  
21 Equal Opportunity and Civil Rights-Religious  
22 Workplace Accommodation Request Procedures,

1 marked for identification.)

2 Q. I've handed you a document  
3 marked -- that's been marked as Exhibit 19.  
4 And -- and I'd like you to take a look at it  
5 and tell me if you've seen this or something  
6 similar before, but I'll just point out that  
7 there's a date that looks like a printed date  
8 of May 24th, 2024 at the top. Do you see  
9 that?

10 A. I do.

11 Q. And then the -- there's a date  
12 at the end that looks -- it's the second to  
13 last page of this exhibit, and it says July  
14 24th, 2023. Do you see that?

15 A. Yes.

16 Q. Okay. And so if you could take  
17 a look at this request or withdrawn.

18 Please take a look at Exhibit 19 and  
19 tell me if you've seen this before, this  
20 exhibit before?

21 A. Yes.

22 Q. And it looks like this is the

200

1 religious accommodation procedures that are  
2 used by UVA or -- well, I guess you tell me  
3 what it is. I don't want to tell you what --  
4 you tell me.

5 A. So this particular document is  
6 listed on a UVA website under the Office for  
7 Equal Opportunity and Civil Rights. So it --  
8 it appears to be the same information guiding  
9 employees as to how they can submit an  
10 accommodation.

11 Q. And, well, this has a date of  
12 July 24th, 2023 at the end. Do you know if  
13 the process and procedures related to  
14 religious accommodation requests were  
15 substantially different than Exhibit 19, for  
16 example, in 2021?

17 A. I -- I don't know.

18 Q. Did you have training regarding  
19 religious accommodation procedures at UVA in  
20 2020 or 2021?

21 A. I don't remember. So as an  
22 employee relations consultant manager, I had



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51 (201 to 204)

201  
1 training, but not during my time as a senior  
2 HR Business Partner.  
3 Q. When?  
4 A. So from 2019 -- I'm sorry. Let  
5 me let you finish.  
6 Q. Well, you -- you're -- you're --  
7 I'm sure you're going to answer my question,  
8 but just to get it out there. You received  
9 training related religious accommodations in  
10 -- in what role was that?  
11 A. Well, what I said was in my  
12 position as an employee relations manager, I  
13 received training in terms of accommodations.  
14 And I think it was ADA accommodations. So  
15 that would have been any time between June of  
16 2019 to November of 2020. During my time as a  
17 senior HR business partner, I did not have any  
18 training that I am aware of regarding  
19 religious workplace in -- in terms of  
20 accommodations in general.  
21 Q. Did you have an understanding of  
22 what the proper procedures are for religious

202  
1 workplace accommodation requests in any of  
2 your jobs, from any of your work, before  
3 coming to UVA?  
4 A. Yes.  
5 Q. And where -- where did you learn  
6 about that?  
7 A. University of Missouri and  
8 University of Rochester.  
9 Q. And as you look at Exhibit 19,  
10 is the procedures outlined in this consistent  
11 with what you learned were appropriate  
12 procedures in any of those previous positions?  
13 MS. McGRAW: Object to the form.  
14 THE WITNESS: I don't know  
15 because the other two universities are  
16 different than UVA. So the process may be  
17 different in terms of where you make the  
18 request. So every university is different.  
19 Q. Well, do you know -- I know  
20 you're not a lawyer, but human resources  
21 personnel often are familiar with employment  
22 laws such as Title VII of the Civil Rights Act

203  
1 of 1964. And I'm not asking you as a lawyer,  
2 but are you familiar that it is that law or  
3 similar state laws where the law talks about  
4 religious accommodations?  
5 A. Yes.  
6 Q. And Title VII, again, I'm not  
7 asking you as a lawyer, but do you understand  
8 that Title VII is a federal law that applies  
9 across the country?  
10 A. Yes.  
11 Q. And the Americans with  
12 Disabilities Act, that's also a federal law?  
13 Again, as a nonlawyer HR person. That's yes?  
14 A. Yes.  
15 Q. And so as far as you know, as a  
16 nonattorney, UVA and the University of  
17 Missouri are required to comply with Title VII  
18 of the Civil Rights Act of 1964?  
19 MS. McGRAW: Object to the form.  
20 Calls for a legal conclusion. You can say  
21 [REDACTED] not an attorney as much as you want, but  
22 you're -- you're asking [REDACTED] legal questions.

204  
1 BY MR. DIEHL:  
2 Q. Well, I'm just asking if your  
3 human resources people at UVA -- not your --  
4 your -- your clients. Human resources  
5 personnel at UVA are aware of the Title VII  
6 applies across the country?  
7 MS. McGRAW: Objection. Calls  
8 for a legal conclusion.  
9 Q. Do you know?  
10 A. Yes.  
11 Q. And it does apply, again, to  
12 your knowledge? So same objection, I'm sure,  
13 from counsel.  
14 A. Yes.  
15 Q. And as you look at Exhibit 19 --  
16 well, stepping back for a moment. What --  
17 what do you know are the differences between  
18 the Americans with Disability Act and the  
19 Title VII religious accommodation process?  
20 What are the differences in the accommodation  
21 process as -- as those are -- as those  
22 processes are undertaken by human resources



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52 (205 to 208)

205  
1 personnel at UVA?  
2 MS. McGRAW: Object to the form.  
3 Calls for speculation.  
4 THE WITNESS: I can answer?  
5 MS. McGRAW: Yes. Yes. I'm  
6 sorry.  
7 MR. KIRSNER: You understand?  
8 THE WITNESS: I do, counsel.  
9 MR. DIEHL: Yeah, don't add  
10 that. That's instructing the witness. You're  
11 trying to -- you're trying to testify. And I  
12 know that's the point of your objections  
13 today, it seems like, but if you -- if you  
14 cannot add improper objections and not smirk  
15 and smile about it either, I'd appreciate  
16 that.  
17 MR. KIRSNER: Do you have a  
18 question?  
19 MR. DIEHL: No. I'm just -- I'm  
20 asking you to not disrupt the testimony as it  
21 seems like that's your intention and Ms.  
22 McGraw's intention today.

206  
1 BY MR. DIEHL:  
2 Q. Do you recall the question?  
3 A. **So an ADA accommodation requires**  
4 **an approval from a physician and a religious**  
5 **accommodation does not.**  
6 Q. On the page with the Bates label  
7 25 on Exhibit 19, it talks about evaluation of  
8 request and the interactive process. Do you  
9 see where I'm referencing that?  
10 A. Yes.  
11 Q. And you understand that UVA's  
12 process is that the interactive process  
13 applies to -- or let me ask a different  
14 question. I -- I jumbled my words.  
15 There's a -- there's an interactive  
16 process that's -- that's undertaken by UVA  
17 when an employee makes a disability  
18 accommodation request; is that right?  
19 A. Yes.  
20 Q. And does UVA have an interactive  
21 process when supervisors or human resources  
22 personnel consider a religious accommodation

207  
1 request?  
2 MS. McGRAW: Objection. Calls  
3 for speculation.  
4 Q. You can answer.  
5 MS. McGRAW: He's not asking you  
6 to read the document.  
7 THE WITNESS: No, I --  
8 MS. McGRAW: He's asking do you  
9 know independently of the document.  
10 THE WITNESS: I don't know.  
11 BY MR. DIEHL:  
12 Q. If the document helps refresh  
13 your memory. It talks about interactive  
14 process on page 25 or excuse me. Bates  
15 labeled page 25 of Exhibit 19.  
16 MS. McGRAW: Is your question  
17 now whether that document --  
18 MR. DIEHL: I will ask  
19 questions, counsel.  
20 MS. McGRAW: Sometimes they  
21 never come out of your mouth. You just keep  
22 talking, but go ahead.

208  
1 MR. DIEHL: Do you have any  
2 other comments about my deposition style?  
3 MS. McGRAW: I'd like to --  
4 MR. DIEHL: Are you done?  
5 MS. McGRAW: I'd like --  
6 MR. DIEHL: Can you just be done  
7 and make proper objections, counsel? I just  
8 --  
9 MS. McGRAW: You asked me a  
10 question. I was going to respond, but go  
11 ahead.  
12 MR. DIEHL: With your  
13 permission.  
14 BY MR. DIEHL:  
15 Q. As you look at page 25 -- sorry  
16 about lawyers. We tend to do this stuff.  
17 As you look at Exhibit 19, page 25,  
18 there's a discussion about an inter -- the  
19 interactive process. Do you see that?  
20 A. Yes, I do.  
21 Q. And either based on this  
22 document refreshing your memory or any



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53 (209 to 212)

209

1 training or knowledge that you have, does UVA  
2 undertake interactive process as part of its  
3 review of religious accommodations?  
4 MS. McGRAW: Objection. Calls  
5 for speculation.  
6 THE WITNESS: So we -- we -- you  
7 are only referring to -- you're referring to  
8 religious?  
9 BY MR. DIEHL:  
10 Q. Yes.  
11 A. Okay. And does the univer --  
12 you're asking me if the university uses the  
13 interactive process?  
14 Q. Yes.  
15 A. Yes.  
16 Q. And do you know if the  
17 university used the interactive process with  
18 respect to religious accommodation requests in  
19 2019 or 2020?  
20 A. As it related to?  
21 Q. Religious accommodation  
22 requests?

210

1 A. As it related to the vaccine?  
2 Q. Well, the -- yeah, that's fine.  
3 A. I just want to be clear. I  
4 mean --  
5 Q. So I'm talking about before you  
6 were part of the -- you weren't on the  
7 religious exemption committee related to the  
8 vaccine requirement in 2019 or 2020, correct?  
9 A. Correct.  
10 Q. So I'm asking you about 2019 or  
11 2020. And -- and at that time period in 2019  
12 or 2020, you didn't have any role related to  
13 religious accommodation or exemption requests  
14 involving the flu vaccine, for example,  
15 correct?  
16 A. No, I did not.  
17 Q. Okay. And so at that time,  
18 based on your, you know, working in human  
19 resources at UVA, were you aware that UVA used  
20 an interactive process with respect to  
21 religious accommodation requests in 2019 and  
22 2020?

211

1 A. Yes.  
2 Q. And -- and, in fact, UVA did use  
3 an interactive process with respect to  
4 religious accommodation request -- requests in  
5 2019 or 2020?  
6 A. Yes.  
7 Q. Do you know if the procedures  
8 for religious accommodation request in 2019 or  
9 2020 were similar to the information provided  
10 in Exhibit 19?  
11 A. Yes.  
12 Q. And they were -- the -- the  
13 processes and procedures used in 2019 and 2020  
14 related to religious workplace accommodations,  
15 those procedures were in 2019 and 2020 were  
16 similar to those set forth in Exhibit 19?  
17 MS. McGRAW: Object to the form.  
18 THE WITNESS: Yes.  
19 MR. DIEHL: No further  
20 questions.  
21 EXAMINATION  
22 BY MS. McGRAW:

212

1 Q. I have just a couple of  
2 questions. If you could get Exhibit 1. And  
3 if you could turn to page 16. We spent a lot  
4 of time on page 16 today. Do you remember  
5 that testimony?  
6 A. Yes.  
7 Q. When you were trained, was the  
8 whole PowerPoint reviewed with you?  
9 A. Yes.  
10 Q. It wasn't limited to just page  
11 16?  
12 A. No.  
13 Q. And when you reviewed religious  
14 exemption request, did you rely on the  
15 entirety of your training?  
16 MR. DIEHL: Objection. Leading.  
17 THE WITNESS: Can you restate  
18 the question, please?  
19 BY MS. McGRAW:  
20 Q. Sure. When you were reviewing  
21 religious exemption requests, did you rely on  
22 all of the training that you had received



Transcript of [REDACTED]  
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54 (213 to 216)

213  
1 through the PowerPoint presentation and any  
2 other training?  
3 MR. DIEHL: Objection.  
4 Mischaracterizes prior testimony. Leading.  
5 Q. You can respond.  
6 A. Yes.  
7 Q. Okay. And if you turn to page  
8 four of the document, was page four with the  
9 heading religion one of the topics covered at  
10 the training?  
11 A. Yes.  
12 MR. DIEHL: Objection. Asked  
13 and answered. Leading.  
14 Q. And did you have an opportunity  
15 to ask questions at the training?  
16 A. Yes.  
17 Q. And when you reviewed religious  
18 exemptions, you had the PowerPoint available  
19 to you? If you want to refer back to it.  
20 A. Yes.  
21 Q. They are the only questions I  
22 have.

215  
1 MR. DIEHL: Let me think about  
2 that. I'll let you know if we need it  
3 expedited. What's the standard turnaround, 10  
4 days?  
5 THE REPORTER: Yes. Ten  
6 business days. Yes, sir.  
7 (Concluded 3:04 p.m.)  
8  
9  
10  
11  
12  
13  
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21  
22

214  
1 MR. KIRSNER: No questions for  
2 you, [REDACTED]. You'll have an opportunity  
3 to review your transcript after the court  
4 reporter has finished completing it, and we  
5 recommend that you do so and note any errata  
6 on the transcript.  
7 And as I mentioned yesterday, there's  
8 an agreement as amongst counsel to maintain  
9 the confidentiality of the senior human  
10 resources business professional's identity, so  
11 we reinforce that for purposes of any future  
12 use of the transcript and her testimony.  
13 Thank you.  
14 MR. DIEHL: Done.  
15 THE REPORTER: Counsel, did  
16 anyone need to order the transcript?  
17 MR. KIRSNER: Yes, please.  
18 MS. McGRAW: Yes.  
19 MR. DIEHL: Yes, please.  
20 THE REPORTER: All right.  
21 Standard turnaround for everyone, or does  
22 anyone need a expedite?

216  
1  
2 CERTIFICATE OF TRANSCRIBER  
3  
4 I, Cynthia Bauerle, do hereby certify  
5 that this transcript was prepared from the  
6 digital audio recording of the foregoing  
7 proceeding; that said transcript is a true and  
8 accurate record of the proceedings to the best  
9 of my knowledge, skills, and ability; and that  
10 I am neither counsel for, related to, nor  
11 employed by any of the parties to the case and  
12 have no interest, financial or otherwise, in  
13 its outcome.  
14  
15  
16 *Cynthia Bauerle*  
17 \_\_\_\_\_  
18 CYNTHIA BAUERLE, CSR  
19 9/10/24  
20  
21  
22

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55 (217 to 220)

217


1 CERTIFICATE OF COURT REPORTER-NOTARY PUBLIC

2 I, Danny Terry, the officer before whom  
3 the foregoing proceedings were taken, do  
4 hereby certify that any witness(es) in the  
5 foregoing proceedings were fully sworn; that  
6 the proceedings were recorded by me and  
7 thereafter reduced to typewriting by a  
8 qualified transcriptionist; that said digital  
9 audio recording of said proceedings are a true  
10 and accurate record to the best of my  
11 knowledge, skills, and ability; and that I am  
12 neither counsel for, related to, nor employed  
13 by any of the parties to this case and have no  
14 interest, financial or otherwise, in its  
15 outcome.

16

17 Notary Registration No.: 7748549

18 My Commission Expires: 2/28/25

19   
20 \_\_\_\_\_

21 DANNY TERRY,

22 NOTARY PUBLIC FOR THE COMMONWEALTH OF VIRGINIA



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